

SEVERALL SPEECHES

Delivered 12

At a Conference concerning the Power of *Parliament*, to proceed against their KING for
MISGOVERNMENT.

In which is Stated:

- I. That Government by blood is not by Law of Nature, or Divine, but only by humane and positive Laws of every particular Common-wealth, and may upon just causes be altered.
- II. The particular forme of Monarchies and Kingdomes, and the different Laws whereby they are to be obtained, holden, and governed in divers Countries, according as each Common-wealth hath chosen and established.
- III. The great reverence and respect due to Kings, and yet how divers of them, have been lawfully chastised by their Parliaments and Common-wealths for their misgovernment, and of the good and prosperous successe that God commonly hath given to the same.
- IV. The lawfulnessse of proceeding against Princes: what interest Princes have in their Subjects goods or lives: how Oathes do binde, or may be broken by Subjects towards their Princes: and finally the difference between a good King and a Tyrant.
- V. The Coronation of Princes, and manner of their admitting to their authority, & the Oath which they doe make in the same, unto the Common-wealth for their good Government.
- VI. What is due to onely Succession by birth, and what interest or right an Heire apparent hath to the Crown, before he is Crowned or admitted by the Common-wealth, and how justly he may be put back, if he have not the parts requisite.
- VII. How the next in succession by propinquity of blood, have often times been put back by the Common-wealth, and others further off admitted in their places, even in those Kingdoms where succession prevaileth, with many examples of the Kingdomes of Israel, & Spaine.
- VIII. Divers other examples out of the States of France and England, for prooffe that the next in blood are sometimes put back from succession, and how God hath approved the same with good successe.
- IX. What are the principall points which a Common-wealth ought to respect in admitting or excluding their King, wherein is handled largely also of the diversity of Religions, and other such causes.

LONDON,

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Queens-head-Tavern. MDCXLVIII.

SEVERAL STEPS

Delivered


At a Conference concerning the Power of Parli-
ment to proceed against their KING for
MISGOVERNMENT.

in which is stated:

- I. That Government is placed in us by Law of Nature or Divine, but not by human and po-
litical Laws of every particular Common-wealth, and may upon just cause be altered.
- II. The particular forms of Government, and the highest Law, whereby
they are to be obtained, holden, and governed in diverse Countries, according as each Com-
mon-wealth hath chosen and established.
- III. The great reverence and respect due to Kings, and yet how little of them, have been
lawfully withheld by their Parliaments, and Common-wealths for their misgovernment, and
of the good and just cause, which God commonly hath given to the same.
- IV. The great respect due to Kings, and yet how little of them, have been
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lawfully withheld by their Parliaments, and Common-wealths for their misgovernment, and
of the good and just cause, which God commonly hath given to the same.
- VII. How the most necessary propriety of blood, have often times been put back by
the Common-wealths, and yet how little of them, have been lawfully withheld by their Parliaments,
and Common-wealths for their misgovernment, and of the good and just cause, which God commonly
hath given to the same.
- VIII. Divers other examples of the Kings of France and England, for those that
the most in blood and justice, and yet how little of them, have been lawfully withheld by their Parliaments,
and Common-wealths for their misgovernment, and of the good and just cause, which God commonly
hath given to the same.
- IX. What are the principal points, which a Common-wealth ought to respect in admitting or
excluding a King, who is to be handled largely of the diversity of Religion, and
their just cause.

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(1)
The first Speech.

 He Examples of a mad or furious Heir apparent, or of one that were by Education a Turke or Moor in Religion, or by Nature deprived of his Wit or Senses, doe plainly prove that propinquity of Birth or Blood alone, without other circumstances, is not sufficient to be preferred to a Crown; for that no Reason or Law, Religion or Wisdom in the World, can admit such Persons to the Government of the Common-wealth by whom no good, but destruction may be expected to the same, seeing that Government was ordained for the benefit of the Weal-publique, and not otherwise.

And though some in these our Days have affirmed the contrary, and published the same in writing for the defence, flattery, or advancement of the Prince they favour, affirming that even a foole, madde or furious man, or otherwise so wicked as he would endeavour to destroy the Common-wealth, were to be admitted to the Seat Royal, without further consideration, if he be next in Blood; yet this is manifestly against all reason and conscience, and against the very first end and purpose of institution of Common-wealths, and Magistrates.

Hereof it doth ensue, that some other Conditions also must needs be requisite for coming to Government by Succession, besides the onely propinquity or priority in Blood, and the Conditions must be assigned and limited out by some higher Authority than is that of the Prince himselfe, who is bound and limited thereby, and yet it seemeth evident they are not prescribed by any Law of Nature or Divine, for that then they should bee both immutable and the selfesame in all Countries, (as God and Nature are one, and the same to all, without change) where notwithstanding we see, that these Conditions and Circumstances of succeeding by Birth, are divers or different in different Countries, as also they are subject to changes according to the diversities of Kingdoms, Realmes, and People, whereby we are forced to conclude that every particular Countrey and Common-wealth hath prescribed these Conditions to it selfe, and hath Authority to doe the same.

For better prooffe whereof, it is first of all, to be supposed, that albeit sociability or inclination to live together in company, Man with Man, (whereof consisteth both City and Common-wealth, as Aristotle gathereth in his first Booke of Politiques) be of nature, and consequently also of God, that is Authority of Nature: though Government in like manner and jurisdiction of Magistrates which do follow necessarily upon this living together, in company, be also of Nature, yet the particular Forme or manner of this or that Government, in this or that Fashion, as to have many Governours, few, or one, and those either Kings, Dukes, Earles, or the like: or that they should have this or that Authority more or less, for longer or shorter time, or be taken by Succession or Election, themselves and their Children, or next in Blood: all these things (I say) are not by Law either

Natural or Divine, (for then as hath been said, they should be all one in all Countries and Nations, seeing God and Nature is one to all) but they are ordained by particular positive Lawes of every Countrey.

But now that sociability in Mankind, or inclination to live in company, is by Nature, and consequently ordained by God, for the common benefit of all, is an easie thing to prove: seeing that all ground of Realmes and Common-wealths dependeth of this point, as of their first Principle, for that a Common-wealth is nothing else but the good Government of a Multitude gathered together, to live in one, and therefore all old Philosophers, Law-makers and Wise men, that have treated of Government or Common-wealths, as *Plato* in his ten most excellent Bookes, which he wrote of this matter intitling them of the *Common-wealths*, *Plato de repub.* *Cicero de repub.* *Arist. Polit.* And *Marcus Cicero* that famous Counsellour in other six Bookes that he writ of the same matter, under the same Title. And *Aristotle* that perhaps excelleth them both, in eight Bookes which is called his *Politiques*. All these (I say) do make their entrance to treat of their Common-wealth affaires, from this first Principle, to wit, *That man by Nature is sociable and inclined to live in company*: whereof do proceed first, all private Houses, then Villages, then Townes, then Cities, then Kingdomes, and Common-wealths.

This ground and principle then do they prove by divers evident reasons, as first for that in all Nations, never so wilde and barbarous, we see by experience that by one way or other, they endeavour to live together, either in Cities, Townes, Villages, Caves, Woods, Tents, or other like manner, according to the Custome of each country, *Pompon. Mela, lib. 3. cap. 3, 4.* *Tacit. lib. 8.* which universall instinct could never be in all, but by impression of Nature it selfe.

Secondly, they prove the same, by that the use of speech is given to Man for this end and purpose, for that little available were this priviledge of speaking, if Men should live alone, and converse with none, *Arist. 1. 8. polit. 1. 3, 4.*

Thirdly, not onely *Aristotle* but *Theophrastus*, also *Plutarch*, and others do confirme the same, *Theophr. lib. de Plaut. Plutarch. Com. de fortuna. & lib. de pietatem in parent.* by the poore estate and condition, wherein Man is borne, more infirme than any other creature, though by creation hee be Lord and Governour of all the rest; for whereas each other creature is borne in a certaine sort armed and defended in it selfe, as the Bull with his hornes, the Beare with his tuske, the Beare and Wolfe, with their teeth, the Bird with her feathers against cold, and with her wings to fly away, the Hart and Hare, with their swiftnesse, and the like, onely Man is borne feeble and naked, not able to provide or defend himselfe in many yeares, but onely by the helpe of others, which is a token that he is borne to live in company, and to be holpen by others, and this not only for his necessity and helpe at his beginning whiles he is in this infirmity, but also for his more commodious living in the rest of his days afterwards, seeing no Man of himselfe is sufficient for himself, and he that liveth alone can have no benefit of others, or do any to others; wherefore wittily said *Aristotle* in the second chapter of his first Book of *Politiques*, *That he which liveth alone, is like a Beast, and*

Bellua,

Bellua, a God or a Beast: for that either he doth it because he hath no need of any, which is proper to God, or else for that he will do good to none, and feeleth not that naturall instinct, which Man hath to live in conversation, which is a signe rather of a Beast, then of a Man.

Cicero doth adde another reason for this purpose, to wit, the use of certaine principal vertues given unto Man, but principally justice and friendship, which should be utterly in vain, and to no utility, if Man should not live in company of others, for seeing the office of justice is to distribute to every one his own: where no number is, there no distribution can be used, as also neither any act of friendship, which yet in the society of Man is so necessary and usuall, saith this excellent Man, *Ua nec aqua, nec igne, nec ipsa sola pluribus in locis utimur, quam amicitia*, Cicero lib. de amicitia. That we use neither water nor fire nor the Sun in selfe in more places or occasions then friendship.

And to this effect, of using friendship, love and charity the one towards the other, do Christian Doctors also, and especially *Augustine* in his Book of friendship, reduce the institution of this naturall instinct of living in company: *Aug. lib. de amicitia*. Which seemeth also to be confirmed by God himselfe in those words of *Genesis*, *Dixit quoque Dominus Deus: non est bonum hominem esse solum, faciamus ei adiutorium, simile sibi*, Gen. 2. 18. God said, it is not good that Man should be alone, let us make unto him an helpe or assistant like unto himselfe, of which words is deduced, that as this first society of our first Parents, was of God, and for so great purpose as here is set downe the one to be holpen by the other, so all other societies in like manner which grow of this first, stand up in the same ground of Gods Ordination for the selfe same end of Mans utility.

And I have bene the longer in speaking of this naturall instinct to society, for that it is the first fountain of all the rest, that ensueth in a common-wealth: for of this come, families, villages, townes, castles, cities and common-wealths, all which *Aristotle*, doth prove to be of nature, for that this first inclination to live together (wherof all those other things do spring) is of nature.

Out of this, is the second point before mentioned deduced: to wit, that government also, superiority, and jurisdiction of Magistrates, is likewise of nature, for that it followeth of the former, and seeing that it is impossible for men to live together with help and commodity of the one, to the other, except there be some Magistrate or other to keep order among them, without which order there is nothing els to be hoped for as *Job saith*, but *horror and confusion*, *Job 1. 21*. as for example, whersoever a multitude is gathered together, if there bee not some to repress the insolent, to assill the impotent, reward the vertuous, chastise the outrageous and minister some kind of justice and equality unto the inhabitants: their living together would be faire more hurtfull then their living asunder, for that one should consume and devour the other, and so we see that upon living together followeth of necessity some kind of jurisdiction in Magistrates, and for that the former is of nature, the other also is of nature.

All which is confirmed also by the consent and use of all nations throughout

the world, which generall consent, Cicero calleth, *ipsius vocem naturæ*, the voyce of nature herselfe; Cicero li. 1. *de natura Deorum*, for there were never yet Nation found either of ancient time or now in our dayes, by the discovery of the Indies, or else where, among whom men living together, had not some kinde of Magistrate or superiour, to governe them, which evidently declarerh that this point of Magistrates is also of nature, and from God that created nature, which point our civill Law doth prove in like manner in the very beginning of our digests, where the second title of the first booke is, *de origine juris civilis & omnium Magistratum*, Lib. 1. *digesti tit. 2.* of the beginning of the Civill Law, and of all Magistrates, which beginning is referred to this first principle, of naturall instinct and Gods institution. And last of all, that God did concurre also expressly with this instinct of nature, our Divines doe prove by clear testimony of holy Scripture, as when God saith to Solomon, *by mee Kings doe reigne*, Prov. 8. and Paul to the Romans avoucheth, *that authority is not but of God, and therefore hee which resisteth authority resisteth God*, Rom. 13. Which is to bee understood of authority, power or jurisdiction in it selfe, according to the first institution, as also when it is lawfully laid upon any person, for otherwise when it is either wrongfully taken, or unjustly used, it may be resisted in divers cases, for then it is not lawfull Authority.

These two points then are of Nature, to wit, the Common-wealth, and Government of the same by Magistrates, but what kinde of Government each Common-wealth will have, whether *Democratia*, which is popular Government by the People it selfe, as *Athen*, *Thebes*, and many other Cities of Greece had in old time, and as the *Cantons of Switzers* at this day have: or else *Aristocratia*, which is the government of some certain chosen number of the best, as the *Romans* many years were governed by *Consulls* and *Senators*, and at this day the *States* of this Countrey of *Holland* do imitate the same: or else *Monarchia*, which is the Regiment of one, and this again either of an Emperor, King, Duke, Earle, or the like, these particular Forms of Government (I say) are not determined by God or Nature, as the other two points before, (for then they should be all one in all Nations, as the other are, seeing God and Nature are one to all) but these particular Forms are left unto every Nation and Countrey to chuse the Forme of Government, which they shall like best, and thinke most fit for the Natures and conditions of their People, which *Aristotle* proveth throughout all the second and fourth Books of his *Politicks* very largely, saying down divers kinds of Governments in his dayes, as namely in Greece that of the *Milesians*, *Lacedæmonians*, *Cariandians*, and others, and shewing the causes of these differences, which he attributerh to the diversity of *Mens Natures*, *customs*, *educations*, and other such causes that made them make choice of such or such Forme of Government.

And this might be proved also by infinite other Examples both of times past, and present, both in all Nations and Countreies, both Christian and otherwise, which have not had onely different fashions of Governments, the one from the other, but even among themselves at one time, one Forme of Government, and another

another at other times; for the Romans first had Kings, and after rejecting them for their evil Government, they chose Consuls, which were two Governors for every Year, whose Authority yet they limited by a multitude of Senators, which were of their counsel, and their Mens power was restrained also by adding Tribunes of the People, and sometimes Dictators, and finally they came to be governed last of all by Emperours.

The like might be said of Carthage in Africa, and many Cities and Commonwealths of Greece, which in divers seasons, and upon divers causes have taken different Formes of Government to themselves.

The like we see in Europe at this day, for in only Italy, what different Formes of Government have you? Naples hath a King for their Sovereigne, Rome the Pope, and under him one Senator in place of so many as were wont to be in the Common-wealth; Venice and Genoa have Senators and Dukes, but little Authority have their Dukes; Florence, Ferrara, Mantua, Parma, Urbino, and Savoy, have their Dukes only without Senators, and their power is absolute. Milan was once a Kingdom but now a Dukedom, the like is of Burgundy, Lorraine, Bavaria, Gasconie, and Britain, the lesser, all which once had their distinct Kings, and now have Dukes their supreme Governours. The like may be said of all Germany, that many years together had one King over all, which now is divided into so many Dukedomes, Earledomes, and other like Titles of supreme Princes.

But the contrary is of Castile, Aragon, Portugal, Barcelona, and other Kingdomes this day in Spain, which were first Earledomes only, and after Dukedomes, and then Kingdomes, and now again are all under one Monarchy. The like is of Bohemia and Polonia, which were but Dukedomes in old time, and now are Kingdomes. The like may be said of France also after the expulsion of the Romans, which was first a Monarchy under Pharamond their last King, and so continued for many years under Clodish, Merovius, Childrik, and Childebert, their first christned Kings, but after they divided it into foure Kingdomes, to wit, one of Paris, another of Sens, the third of Orleans, and the fourth of Metz, and so it continued for divers years, but yet afterwards they made one Monarchy again.

England also was first a Monarchy under the Britons, and then a Province under the Romans, and after that divided into seven Kingdomes at once under the Saxons, and now a Monarchy againe under the English, and all this by Gods permission and approbation, who in token thereof, suffered his own peculiar people also of Israel to be under divers manners of Governments in divers times, as first under Patriarchs, Abraham, Isaac, and Jacob; then under Captains, as Moses, Joshua, and the like; then under Judges, as Othaniel, Aiod, and Gideon; then under high Priests, as Helidai and Samuel; then under Kings, as Saul, David, and the rest; and then under Captains and high Priests againe, as Zorobabel, Judas, Mathabai, and his brethren, untill the Government was lastly taken from them, and they brought under the power of the Romans, and foreign Kings appointed by them.

So of all this, there can be no doubt, but that the Common-wealth hath power to chuse their own fashion of Government, as also to change the same upon reasonable causes, as we see in all times and Countries; and God no doubt approveth what the Realme determineth in this point, for otherwise nothing could be certain, for that of these changes doth depend all that hath succeeded.

In like manner, is it evident, that as the Common-wealth hath this Authority to chuse and change her Government, so hath she also to limit the same with what Lawes and conditions she pleaseth; whereof ensueth the great diversity of Authority and power, which each one of the former Governments hath, as for example, the Consuls of Rome were but for one year, other Officers and Magistrates were for more or less time, as their Common-wealth did allot them. The Dukes of Venice at this day are for their lives (except in certain cases wherein they may be deposed) and those of Genoa only for two years, and their power is very small and much limited, and their Heirs have no claime or pretence at all to that Dignity, as the children and next of kin of other Dukes of Italy have, though in different sort also, for that the Dukedomes of Ferrara, Urbino, and Parma, are limited only to Heirs male, and for defect thereof to returne to the Pope or Sea of Rome: Florence, and Mantua, for like defects are to returne to the Empire, and doe not passe to the Heirs female, or to the next of kin, as Savoy and some others doe.

And now if we respect God and Nature, as well might all these Governments follow one Law, as so different, for that neither God nor Nature prescribeth any of these particular Forms, but concurrerth with any that the Common-wealth it selfe appointeth, and so it is to be believed, that God and Nature concurred as well with Italy when it had but one Prince, as now when it hath so many; and the like with Germany; and also with Switzerland, which once was one Common-wealth only under the Dukes and Margaves of Austria, and now are divided into thirteen Cantons or Common-wealths under popular Magistrates of their own, as hath been said; so as when Men talke of a natural Prince, or natural Successor (as many times I have heard the word used) if it be understood of one that is born in the same Realm or countrey & so of our own natural blood, it hath some sense, though he may be both good or bad; and none hath beene worse or more cruell many times than home-born Princes: But if it be meant as though any Prince had his particular government or interest to succeed by institution of Nature, it is ridiculous, for that Nature giveth it not as hath beene declared, but the particular constitution of every common-wealth within it self.

The second speech
First of all is to be considered, that of all other Forms of Government the Monarchy of King in it selfe, appeareth to be the most excellent and perfect, and so doth hold not only Aristotle in his fore-named Books of Politiques, and namely in his third, (which is only condition that he governeth by Lawes) but Seneca also and Plutarch in his Morals, and namely in the special Treatise of Nicias, a famous Rhetorician, whether in old times ought to take

upon him the Government of a Common-wealth or no; where he saith that, *Regis in inter omnia reipub. consummatissima & prima est*, a Kingdom is the most perfect Common-wealth among all other, and the very first, that is to say, the most perfect, for that it hath most commodities and least inconveniences in it selfe of any other Government, and it is the first of all other; for that all People commonly made their choise at the beginning of this kinde of Government, so as of all other it is most ancient; for so we reade that among the *Syrians, Medes, and Persians*; their first Governours were Kings; and when the children of *Israel* did aske a King at the hands of *Samuel*, 1 *Reg.* 8, which was a thousand yeares before the coming of *Christ*, they alledged for one reason, that all Nations round about them had Kings for their Governours, and at the very same time, the chiefest Cities and Common-wealths of *Greece*, as the *Lacedaemonians, Athenians, Corinthians*; and others, wherof divers afterwards took other Governours unto themselves, for the abuses in kingly Government committed, at that time were governed by Kings, as at large proveth *Dionysius Halicarnassensis, Cornelius Tacitus, Cicero*, and others. *Dionys. Hal. l. 5. Cornel. Tac. l. 3. Cic. l. 1. c. 6. ff.*

The *Romans* also began with Kings, as before I have noted, and the reason of this is, for that as our *Christian* Doctors doe gather, (especially *Hierome* and *Christostome*, *Hierom. l. 2. Epist. 3. 1. Christ. hom. 23.*) this kinde of Government resembleneth most of all the Government of *God*; that is but one: it representeth the excellency of one sun that lighteneth all the Planets, of one soul in the body that governeth all the powers and members thereof, and finally they shew it also to be most conforme unto Nature, by example of the *Bees* which do choise unto themselves a King, and do live under a Monarchy, as the most excellency of all other Governments, to which purpose also I have heard alledged sometimes by divers those words of *Peter*, *Subjetti estote omni humanae creaturae propter Deum, sicut Regi quasi excellenti, sicut ducibus ab commissis, &c.* 1 *Per.* 2. Be you subject to every humane creature for *God's* cause, whether it be to a King, as the most excellent; or to Dukes sent by *God* for the punishment of evil men and praise of the good: out of which words some do note two points, first, that as on the one side the Apostle doth plainly teach, that the Magistrates Authority is from *God* by his first institution, in that he saith, We must be subject to them for *God's* cause; so on the other side, he calleth it a humane creature, or a thing created by man, for that by man's free choice this particular Forme of Government (as all other also) is appointed in every Common-wealth, and that by mans election and consent, the same is laid upon some particular man or woman, according to the Lawes of every Countrey, all which maketh it rightly to be called both a humane creature, and from *God*.

The second point which divers do note out of these words, is, that *Peter* calleth a King most excellent; which though it may be understood in respect of the Dukes Authority, wherof immediately there followeth mention; yet may it seem also to be taken and verified of kingly Authority in respect of all other Governments, seeing that at this time when the Apostle wrote this Epistle, the chief Governour of the world was not called King but Emperour, and therefore seeing in such a time *Peter* affirmeth the state of kingly Government to be most excellent, it may seem he means it absolutely, signifying thereby that this is the best kinde of Government among all others, though to confesse the truth between the Title of King and Emperour there is little or no difference in substance, but onely in name, for that the Authority is equal, every King is an Emperour in his own Kingdom.

And finally the excellency of this Government above all other, is not onely proved by the perfection thereof in it selfe, as for that it is most ancient, simple, and conforme unto Nature, and most resembling the Government of *God* himselfe, as hath been said, but by the effects also and utility that it bringeth unto the Subjects, with farre lesse inconveniences than any other Forme of Government whatsoever if we compare them together; for in the Monarchy of one King, there is more unity, agreement and conformity, and thereby also celerity commonly in dispatching of businesses, and in defending the Common-wealth, than where many Heads be, lesse passions also, in one man than in many; as for example, in *Democratie*, where the common people doe bear the chief sway, which is *Bellus multorum capium*, as *Cicero* wisely said, that is, a Beast of many heads.

heads. *Cherch. 1. Offic. Democraticis.* There is nothing but sedition, trouble, tumults, outrages, and injustices committed upon every little occasion, especially where crafty and cunning men may be admitted to incense or assuage them with sugred words, such as were the Orators in *Athens*, and other Cities of *Greece*, that had this Government, and the Tribunes of the People of *Rome*, and other such popular and plausible men, who could move the waves, raise up the winds, and kindle the fire of the vulgar Peoples affections, passions or furies at their pleasure, by which we see that of all other Common wealths, these of popular Government, have soonest come to ruine, which might be shewed not onely by old examples of *Greece*, *Asia*, and *Africa*, but also of many Cities of *Italy*, as *Florence*, *Salonia*, *Siena*, *Pisa*, *Arezzo*, *Spoleto*, *Perugio*, *Padua*, and others, which upon the fall or diminution of the *Roman* Empire (under which they were before) roole unto themselves popular Governments, wherein they were so tossed with continual seditions, murdres, and banding of Factions, as they could never have end thereof, untill after infinit murders, massacres, and inundation of blood, they came in the end to be under the Monarchy of some one Prince or other, as at this day they remain: so that of all other Governments this is the worst.

The second Forme, which is called *Oligarchy* or *Aristocratie* (for that a few and those presumed to be the best, are joynd together in Authority) as it doth participate something of both the other Governments, to wit, of *Monarchie* and *Democratie*, or rather tempereth them both: so that it both good and evil in it, but yet inclineth more to the evil, for the dis-union that cometh commonly by man's infirmity and malice is among those Heads, for which cause the States before named of *Venice* and *Genoa*, which were wont to have simply this Government of *Aristocratie*, in that their Regiment was by certain chuse Senatours, were enforced in the end to chuse Dukes also, as Heads of their Senates, for avoiding of dissension, and so they have at this day, though their Authority be but small, as hath been said.

We see also by the examples of *Carthage* and *Rome*, where Government of *Aristocratie* took place, that the division and factions among the Senatours of *Carthage*, was the cause why aid and succour was not sent to *Hannibal* their Captain in *Italy* after his so great and important victory at *Canas*, which was the very cause of the saving of the *Roman* Empire, and the losse of their own: and also afterwards the emulations, discord, and dis-union of the *Roman* Senatours among themselves in the affaires and contentions of *Marius* and *Sylla*, and of *Pompey* and *Caesar*, was the occasion of all their destruction, and of their Common-wealth with them. *Tit. Liv. l. 30. Europ. l. 3. Oris. l. 4. & 6.*

Evident then it is, that of all other Governments the Monarchy is the best, and least subject to the inconveniences that other Governments have, and if the Prince that governeth alone, and hath supreme authority to himselfe, as he resembleth God in this point of sole Government, so could he resemble him also, in wise, discreet, and just Government, and in ruling without passion; no doubt, but that nothing more excellent in the World could be desired for the perfect felicity of his Subjects: but for that a King or Prince is a man as others be, and thereby not onely subject to errors in judgement, but also to passionate affections in his will: for this cause, it was necessary that the Common-wealth, as it gave him this great power over them, so it should assigne him also the best helps that might be, for directing and rectifying both his will and judgement, and make him therein as like in Government to God, whom he representeth, as man's frailty can reach unto.

For this consideration they assigned to him first of all the assistance and direction of Law, whereby to governe, which Law *Aristotle* saith, *Est mens quaedam nullo perturbata affectu, Arist. l. 3. Polit. ult.* It is a certain minde disquieted with no disordinate affection, as mens mindes commonly be, for that when a Law is made, for the most part, it is made upon due consideration and deliberation, and without perturbation of evil affections, as anger, envy, hatred, rashnesse, or the like passions, and it is referred to some good end and commodity of the Common-wealth, which Law being once made, remaineth so still without alteration or partial affection, being indifferent to all, and partial to none, but telleth one tale to every man; and in this it resembleth the perfection as it were of God himselfe, for the which cause the said Philosopher in the same place

place addeth a notable wise saying, to wit, *That he which joyneth a Law to govern with his Feinde, joyneth God to the Prince, but he that joyneth to the Prince his affections, joyneth a beast.* *Ar. 2. Pol. 2. 12.* For that mens affections and concupiscences are common also to Beasts: so that a Prince ruling by Law is more than a man, or a man deified, and a Prince ruling by affections is lesse than a man, or a man brutified. In another place also the same Philosopher saith, *that a Prince that leaveth Law and ruleth himselfe and others by his own appetite and affections, Of all creatures is the worst, and of all beasts is the most furious and dangerous.* *Arist. 1. 2. Pol. 2. 2.* For that nothing is so outrageous, as injustice armed, and no armour is so strong, as wit and authority: whereof the first he hath in that he is a man, and the other in that he is a Prince.

For this cause then all Common-wealths have prescribed Lawes unto their Princes, to govern thereby, as by a most excellent, certain and immutable rule: to which sense *Cicero* saith, *Leges sunt inventae ut omnibus semper una et eadem vox loqueretur*; Lawes were invented to the end they should speak in one and the selfe same sense to all men. *Cic. 1. 2. Offic.* For which very reason in like manner these Lawes have been called by Philosophers a rule or square, inflexible, and by *Aristotle* in particular, a minde without passion, as hath been said, but the Prophet *David* whom was also a Prince and King, seemeth to call it by the name of *Discipline*, for that as Discipline doth keep all the parts of a man or of a particular house in order, so Law well ministered keepeth all the parts of a Common-wealth in good order, and to shew how securely God exacteth this at all Princes hands, he saith these words, *And now learne ye Kings and be instructed, ye that judge the World, serve God in fear, and rejoyce in him with trembling, embrace ye discipline, lest he enter into wrath, and so ye perish from the way of righteousness.* *Psal. 2.* Which words being uttered by a Prophet and King do contain divers points of much consideration for this purpose; as first, that Kings and Princes are bound to learne Law and Discipline: and secondly, to observe the same with great humility and fear of Gods wrath: and thirdly, that if they do not, they shall perish from the way of righteousness, as though the greatest plague of all to a Prince were to lose the way of righteousness, law and reason in his Government, and to give himselfe over to passion; and his own will, whereby they are sure to come to shipwracke: and thus much of the first helpe.

The second helpe that Common-wealths have given to their Kings and Princes, especially in later Ages, hath been certain Councils and Councellours with whom to consult in matters of most importance, as we see the Parliaments in *England* and *France*, the Courts in *Spain*, and Diets in *Germany*, without which no matter of great moment can be concluded; and besides this, commonly every King hath his Privy Council, whom he is bound to hear, and this was done to temper somewhat the absolute forme of a Monarchy, whose danger is by reason of his sole Authority to fall into tyranny, as *Aristotle* wisely noteth in his fourth Book of *Politiques*, shewing the inconvenience or dangers of this Government; which is the cause that we have few or no simple Monarchies now in the World, especially among Christians, but all are mixt lightly with divers points of the other two formes of Government also; and namely in *England* all three do enter more or lesse; for in that there is one King or Queen, it is a Monarchy; in that it hath certain Councils which must be heard: it participateth of *Aristocratie*, and in that the Commonalty have their voyces and Burgeses in Parliament, it taketh part also of *Democratie*, or popular Government, *All which limitations of the Princes absolute Authority, as you see, do come from the Common-wealth, as having authority above their Princes for their restraint to the good of the Realme.*

From like Authority, and for like considerations have come the limitations of other Kings and kingly power in all times and Countries, from the beginning, both touching themselves and their posterity and successours, as briefly in this place I shall declare.

And first of all, if we will consider the two most renowned and allowed States of all the World, I mean of the *Romans* and *Greeks*, we shall finde that both of them began with Kings, but yet with farre different Lawes and restraints about their Authorities; for in *Rome* the Kings that succeeded *Romulus* their first Founder, had as great and absolute Authority as ours have now

a daye, but yet their children or next in blood succeeded them not of necessity, but new Kings were chosen partly by the Senate, and partly by the people, as *Titus Livius* testifieth, *Liv. l. 1. de. 1.* Some of three most excellent Kings that ensued immediately after *Romulus*, to wit, *Numa Pompilius*, *Tullus Hostilius*, and *Tarquinius Priscus*, none of them were of the blood Royal, nor of kin the one to the other, no not yet *Romulus* borne, but chosen rather from among strangers, for their vertue and valour, and that by election of the Senate and consent of the People.

In *Greece*, and namely among the *Lacedemonians*, which was the most eminent Kingdom among others at that time, the succession of children after their fathers was more certain, but yet *Aristotle* noteth, *Arist. l. 2. c. 8. Pol. Plutarch. in Lycurg.* Their authority and power was so restrained by certain Officers of the people named *Ephori*, (which commonly were five in number) as they were not only checked and chastised by them, if occasion served, but also deprived and sometimes put to death: for which cause the said Philosopher did justly dislike this eminent jurisdiction of the *Ephori* over their Kings: but yet hereby we see what authority the Commonwealth had in this case, and what their meaning was in making Lawes, & restraining their Kings power, to wit, thereby the more to binde them to do justice, which *Cicero* in his Offices uttereth in these words, *Justitia fuerit laus apud majores nostras et in Asia, et in Europa bene morati Reges ab eis fuit constituta, et a. cum ius aequabile ab eis videretur homines non consequeretur, i. ut a sunt leges.* *Cic. l. 2. Offic.* Good Kings were appointed in old time among our Ancestours in *Asia* and *Europe*, to the end thereby to obtain justice, but when men could not obtain equal justice at one mans hands, they invented Lawes.

The same reason yieldeth the same Philosopher in another place, not onely of the first institution of Kingdomes, but also of the change thereof again into other Government, when these were abused. *Omnes antiquae gentes regibus quoniam paruerunt, et. Cic. 3. de legibus.* That is, All old Nations did live under Kingdomes at the beginning, which kinde of Government first they gave unto the most just, and wisest men which they could finde, and also after for love of them, they gave the same to their posterity or next in kin, as now also it remaineth where kingly Government is in use: but other Countries which liked not that forme of Government, and have shaken it off, have done it not that they will not be under any, but for that they will not be ever under one onely.

Thus far *Cicero* and speaketh this principally in defence of his own Commonwealth I mean the *Roman*: which had cast off that kinde of Government, as before hath been said, for the offence they had taken against certain Kings of theirs, and first of all, against *Romulus* himselfe their first Founder, for reigning at his pleasure without law, as *Titus Livius* testifieth, for which cause the Senators at length slew him, and cut him in small pieces. And afterwards they were greatly grieved at the entering of *Servius Tullius* their sixth King, for that he gat the Crown by fraud and not by Election of the Senate, and special approbation of the people, as he should have done: but most of all they were exasperated by the proceeding of their seventh King named *Lucius Tarquinius*, surnamed the proud, who for that he neglected the Lawes of Government prescribed to him by the Commonwealth, as namely in that he consulted not with the Senate in matters of great importance, and for that he made War and Peace of his own head, and for that he appointed to himselfe a Guard, as though he had mistrusted the People, and for that he did use injustice to divers particular men, and suffered his children to be insolent, he was expelled with all his posterity, and the Government of *Rome* changed from a Kingdom unto the Regiment of Consuls, after two hundred yeares that the other had endured.

And thus much of those Kingdomes of *Italy* and *Greece*: and if likewise we will look upon other Kingdomes of *Europe*, we shall see the very same, to wit, that every Kingdom and Countrey hath his particular Lawes prescribed to their Kings by the Commonwealth, both for their Government, Authority, and Succession in the same: for if we behold the *Roman* Empire it selfe, as it is at this day annexed to the *German* Electours, though it be first in Dignity among Christian Princes, yet shall we see it so restrained by particular Lawes, as the Emperour can do much lesse in his State than other Kings in theirs, for he can neither make War, nor exact any contribution of men, or money, thereunto, but by the free leave and consent of all the States of the

the *German* Diet or Parliament, and for his children or next in kin, they have no action, interest, or pretence at all to succeed in their Fathers Dignity, but only by free Election, if they shall be thought worthy. nay, one of the chiefest points that the Emperours must swear at his entrance, as *Selden* writeth, *Selden* l. 8. Anno 1522. is this, That he shall never go about to make the Dignity of the Emperour peculiar or hereditary in his Family, but leave it unto the seven Electours, free in their power, to chuse his Successour, according to the Law made by the Pope Gregory the fifth, and the Emperour Charles the fourth in this behalfe. *Blond* Dicad. 2. l. 3. *Cron* l. 2. 3.

The Kingdomes of *Polonia* and *Bohemia* do go much after the same fashion, both for their restraint of power, and succession to their Kings. For first touching their Authority, they have great limitation, neither can they do any thing of great moment, without the consent of certain principal men called *Palatines* or *Castellians*, neither may their children or next of Blood succeed except they be chosen, as in the Emperour *Harbert*, l. 9. *Hist. Pol. Cronica* l. 3. *Hist. Pol.*

In *Spain*, *France*, and *England*, the priviledges of Kings are farre more eminent in both these points, for that both their Authority is much more absolute, and their next in Blood do ordinarily succeed, but yet in different manner; for as touching authority, it seemeth that the Kings of *Spain* and *France*, have greater than the King of *England*, for that every ordination of these two Kings is Law in it selfe, without further approbation of the Common wealth, which holdeth not in *England*, where no general Law can be made without consent of Parliament; but in the other point of Succession, it appeareth that the restraint is farre greater in those other two Countreies than in *England*, for that in *Spain* the next in Blood cannot succeed but he never so lawfully descended, but by a new approbation of the Nobility, and States of the Realme, as it is expressly set down in the two ancient Councils of *Toledo* the fourth and fifth, *Concil. blon* 4. c. 74. & *Concil.* 6. c. 3. In confirmation whereof we see at this day, that the King of *Spain*'s own son, cannot succeed nor be called Prince, except he be first sworne by the said Nobility and States in token of their new consent; and so we have seen it practised in our dayes towards three or four of king *Philip*'s children, which have succeeded the one after the other in the Title of Princes of *Spain*, and at every change a new Oath required at the Subjects hands, for their admission to the said Dignity, which is not used in the Kings children of *France* or *England*.

In *France* the World knoweth, how Women are not admitted to succeed in the Crown be they never so near in Blood, neither any of their Issue, though it be Male; for which cause I doubt not but you remember how king *Edward* the third of *England*, though he were son and heir unto a daughter of *France*, whose three brethren were kings, and left her sole heir to her father king *Philip* the fourth surnamed the Fair, yet was he put by the Crown, Anno 1340. *Anst. hist. Franc.* l. 2. *Guar. du Hylan* l. 14. *hist. Franc.* It also was the king of *Navar* at the same time, who was son and heir unto this womans eldest brothers daughter, named *Leah* *Huttin* king of *France*, (which king of *Navar* thereby seemed also to be before king *Edward* of *England*) but yet were they both put by it, and *Philip de Vallois*, a brothers son of *Philip* the fair, was preferred to it, by general decree of the States of *France*, and by verdict of the whole Parliament of *Paris*, gathered about the same affaires. *Franc. Belfor.* l. 9. c. 1. Anno 1327.

Neither did it avail, that the two kings aforesaid alleged, that it was against reason and conscience, and custome of all Nations, to exclude women, from the Succession of the Crown, which appertained unto them by propinquity of Blood, seeing both Nature and God hath made them capable of such Succession every where, as it appeareth by example of all other Nations, and in the old Testament among the people of God it selfe, where we see Women have been admitted, unto kingdomes by succession, but all this (I say) prevailed not, with the *French* as it did not also since for the admission of *Dona Isabella* *Eugenia* *Clara*, Infante of *Spain*, unto the said Crown of *France*, though by dissent of Blood there be no question of but next propinquity, for that she was the eldest child of the king's eldest sister.

The like exclusion was then made against the prince of *Lorain*, though he was a man and nephew to the king, for that his Title was by a Woman, to wit, his mother, that was younger sister unto king *Henry* of *France*.

And albeit the Law called *Salica* by the *French* men, by vertue whereof they pretend to exclude

the Succession of Women, be no very ancient Law, as the French themselves do confesse, and much lesse made by Pharamond their first King, or in those ancient times as others without ground do affirme. *Gerard. du Hall. l. 1. c. 1. b. 1. Franc. & Anno 1317. & l. 2. c. 1. Anno 1328. & l. 3. de Testis defunctis.* Perdo we see that it is sufficient, to binde all Princes and Subjects of that Realme, to observe the same, and to alter the course of natural Discent, and mixture of Blood, as we have seen, and that the King of Navar and some others of his race by vertue of this onely Law did pretend to be next in Succession to this goodly Crown, though in nearnesse of Blood they were farther off, by many degrees from King Henry the third, than either the foresaid Infants of Spain, or the prince of Lorraine, who were children of his own sisters, which point yet in England were great disorder, and would not be suffered, for that our Lawes are otherwise, and who made these Lawes, but the Common-wealth is selfe.

By all which we see that divers Kingdomes, have divers lawes and customes in the matter of succession, and that it is not enough for a man to allege bare propinquity of blood, thereby to prevaille, for that he may be excluded or put back by divers other circumstances, for sundry other reasons which afterward we shall discusse,

Yes, not onely in this point hath the common-wealth authority to put back the next inheritors upon lawfull considerations, but also to dispossesse them that have been lawfully put in possession, if they fulfill not the lawes and conditions, by which and for which, their dignitie was given them. Which point as it cannot serve for wicked men to be troublesome unto their Governours, for their own interests or appetices, so yet when it is done upon just and urgent causes and by publique authority of the whole body the justice thereof is playne, not onely by the grounds and reasons before alleged, but also by those examples of the Romans and Grecians already mentioned, who lawfully deposed their Kings upon just considerations, and changed also their Monarchie and Kingly Government, into other forme of regiment. And it might be proved also, by examples of all other nations, and this perhaps with a circumstance which every man considereth not, to wit, That God hath wonderfully concurred (for the most part) with such judicall acts of the common-wealth against their evil Princes, not onely in prospering the same, but by giving them also commonly some notable successor in place of the deposed, thereby both to justify the fact, and to remedy the fault of them that went before.

I am far from the opinion of those people of our dayes, or of old, who make so little account of their duty towards Princes, as be their title what it will, yet for every dislike of their owne they are ready to band against them wheresoever they thinke they may make their party good, inventing a thousand calumnies for their discredit without conscience or reason, whom in deed I do thinke to have little conscience or none at all but rather to be those whom the Apostles Peter and Jude did speake of when they said. *Novit Dominus iniquos in diem judicii reservare, cruciandos, magis autem eos qui dominationem contemnunt, audaces, sui placentes, &c.* 2 Pet 2 10. Jude 8. God knoweth how to reserve the wicked unto the day of judgement, there to be tormented, but much more those which do contemne domination or government, and are bold and liking of themselves.

Nay further, I am of opinion, that whatsoever a Princes Title be, if once he be settled in the Crown, and admitted by the Common-wealth (for of all other holds I esteeme the tenure of a Crown) if so it may be termed (the most irregular and extraordinary) every man is bound to settle his conscience to obey the same, in all that lawfully he may command, and this without examination of his Title or Interest, for that God disposeth of kingdoms, and worketh his will in princes affaires, as he pleaseth, and this by extraordinary meanes oftentimes, so that if we should examine the Titles at this day of all the princes in Christendom by the ordinary rule of private mens rights, successions, or tenures, should finde so many knots and difficulties, as it were hard for any to make the same plain, but onely the supreme Law of God's disposition, which can dispence in what he listeth.

This is my opinion in this behalfe for true and quiet obedience, and yet on the other side, as farr off am I from the abject and wicked flattery of such as affirme princes to be subject to no Law or limitation at all, either in authority, government, life, or succession, but as though by Nature,

Nature they had been created Kings from the beginning of the World, as if though the Common-wealth had been made for them, and not they for the Common-wealth; or as though they had begotten or purchased, or given life to the Weal-publique, and not that the Weal-publique had created them, or given them their authority, honours, and dignity: In these flatteries do free them from all obligation, duty, reverence, or respect unto the whole Body, whereof they are the Heads; nay, expressly they say and affirme, that *All men's goods, bodies, and lives, are the Princes at their pleasures to dispose of*; that they are under no Law or account-giving whatsoever, that they succeed by Nature and generation only, and not by any authority, admission, or approbation of the Common-wealth; and that consequently no men or members of their person is to be respected, nor any consideration of their Natures or qualities, as wit, of capacity, disposition, or other personal circumstances, is to be had or admitted, and so they what they list, no authority is there under God to the contrary.

All these absurd paradoxes have some men of our dayes uttered in flattery of princes, to defend a kings Title with assertions and propositions, do destroy all Law of reason, conscience, and Common-wealth, and do bring all to such absolute tyranny as no Realme ever did or could suffer among civil people, no nor under the dominion of the Turke himselfe at this day, where yea some proportion of equity is held between the prince and the people, both in Government and Succession, though nothing so much as in Christian Nations.

To avoid these two extremes, as all the duty, reverence, love, and obedience before named, is to be yielded unto every Prince which the common-wealth hath once established: so yet retaineth still the common-wealth her authority, not only to restrain the same Prince, if he be evill, but also to chastise and remove him, upon due and weighty considerations, and that the same hath bin done and practised at many times in most Nations, both Christian and otherwise with right good successe, to the weal publick.

The Third Speech.

Two points are now to be proved, First, that Common-wealths have chastised sometimes lawfully their lawfull Princes, though never so lawfully they were descended, or otherwise lawfully put in possession of their Crowns; and secondly, that this hath faile out ever, or for the most part, commodious to the weal-publique, and that it may seem that God approved and prospered the same, by the good successe and successors that ensued thereof. Yet with this protestation, that nothing be taken out of my speech, against the sacred authority and due respect and obedience, that all men owe unto Princes, both by Gods Law and Nature, but only this shall serve to shew that as nothing under God is more honourable, amiable, profitable, or Sovereigne, than a good Prince: so nothing is more pestilent, or bringeth so generall destruction and desolation as an evill Prince. And therefore as the whole body is of more authority than the only head, and may cure the head if it be out of tune, so may the weal-publique cure or purge their heads, if they infect the rest, seeing that a body Civill may have divers heads, by succession, and is not bound ever to one, as a body naturall is, which body naturall, if it had the same ability that when it had an aking or sickly head, it could cut it off and take another, I doubt not, but it would so do, and that all men would confesse that it had authority sufficient and reason to doe, the same rather then all the other parts should perish or live in pain and continuall torment: but yet much more cleare is the matter that we have in hand for disburdening our selves of wicked Princes, as now I shall begin to prove unto you.

And for prooffe of both the points joyntly, I might begin perhaps with some examples out of the Scripture it selfe, but some man may chance to say, that these things recounted there of the Jewes, were not so much to be reputed for acts of the common-Wealth, as for particular ordinations of God himselfe, which yet is not any thing against me, but rather maketh much for our purpose. For that the matter is more authorized hereby, seeing that whatsoever God did ordaine or put in use in his Common Wealth, that may also be practised by other Common-Wealths, now having his authority and approbation for the same. Wherefore (saie he) though I do hasten to examples that are more neerer home, and more proper to the particular purpose whereof we treat, yet can I not omit to note some two or three out of the Bible, that doe appertain to this purpose also, and these are the deprivation and putting to death of two wicked Kings of Judah, named Saul and Amon, 1 Kin. 31. 4 King. 21. 24. (though both of them were lawfully

fully placed in that dignity) and the bringing in of *David* and *Josiah* in their roomes, who were the two most excellent princes that ever that Nation or any other (I thinke) have had to governe them.

And first King *Saul* though he were elected by God to that royal Thron, yet was he slain by the *Philistines*, by God's order as it was foretold him for his disobedience, and not fulfilling the law and limits prescribed unto him. *Amon* was lawfull King also; and that by natural descent and succession, for he was son and heir to King *Manasse* whom he succeeded, and yet was he slain by his own people, *Quia non ambulavit in via Domini*, for that he walked not in the way prescribed unto him by God: and unto these two kings so deprived God gave two Successours, as I have named, the like whereof are not to be found in the whole ranke of kings for a thousand yeares together; for of *Josiah* it is written, *Factus quid erat visum in conspectu Domini, & non declinavit neque ad dexteram neque ad sinistram*. 2. Paralip. 34. 1. He did that which was right in the sight of God, neither did he decline unto the right hand nor the left; he reigned 31 yeares, 2. Paralip. 35. And *Jeremias* the prophet that lived in his time loved so extremely the good king, as he never ceased afterwards to lament his death, as the Scripture saith, 2. Chron. 34. 28. 35. Chapters.

As for King *David*, it shall not be needfull to say any thing; how excellent a king he was, for as many learned men do note, he was a most perfect patterne for all kings that should follow in the World, not as King *Cyrus* whom *Xenophon* did paint out more according to his own imagination of a perfect king, than he wished, then to the truth of the story, but rather as one that passed farre in acts that which is written of him, and this not onely in matters of religion, piety, and devotion, but also of chivalry, valour, wisdom and policy; neither is it true which *Nicholas Machiavel* the Florentine, N. Mach. l. 2. c. 2. 1. Tit. Liv. And some others of his new unchristian school do affirme, for defacing of Christian vertue, That religion and piety are letts to civill and politicall and wise Government, and do break or weaken the high spirits of magnanimous men, to take in hand great enterprises for the Common wealch. Aug. l. de Gra. This (I say) is extreme false, for that as Divines are wont to say (and it is most true) Grace doth not destroy or corrupt, but perfect Nature; so so as he which by Nature is valiant, wise, liberal, or politicall, shall be the more. If also he be pious and religious: which we see evidently in King *David*, who notwithstanding all his piety, yet omitted he nothing appertaining to the state and government of a noble, wise, and politicall Prince; for first of al, he began with reformation of his own Court and Realm in matter of good life and service of God, where in he used the counsel and direction of God and of *Nathan* the Prophet, as also of *Ahiathar* and *Biaim* the chief Priests and of *Heman* his wife Councellour; 1. Paralip. 19. He reduced the whole Clergy into 24. degrees, appointing 4000. Singers with divers sorts of musical instruments, under *Asaph*, *Heman*, and other principal men that should be Heads of the Quire. Psal. 124. 25. He appointed all Officers needfull both for his Court, and also the Common wealch, with the Armes of the Crown, which was a Lion, in remembrance of the Lion which he had slain with his own hands, when he was a childe; he ordained a mynt with a peculiar forme of money to be stamped: took order for distributing relief unto the poor, and other like acts of a prudent and pious Prince.

After all this he turned himselfe to his old exercise of Warres, to which he was given from his child hood, being wonderfull valiant of his own person, as appeareth by the Lion and Bear that he slew with his own hands, and the courage wherewith he took upon him the combat with *Goliath*; and as he had shewed himselfe a great Warriour and renowned Captain many yeares in the service of *Saul* against the *philistines*, and had gained many noble victories; so much more did he after he was king himselfe, for that he conquered not onely the *philistines*, but also the *Amorites*, *Adonites*, *Moabites*, with the kings and people of *Damascus* and all Syria, even unto the River *Euphrates*, and left all these Countreys peaceable to his Successour, 2. Reg. 8. and in threemofore Battails wherein *David* himselfe was present within the space of two or three yeares, almost a hundred thousand Horse and foot slain by him, 2. Reg. 18. and that himselfe slew in his dayes eight hundred with his own hands, 2. Reg. 13. *Joseph. l. 7. antiqu. c. 10.* and that he made by his example thirty and seven such Coprainers as each one of them was able to lead and governe a whole Army, and yet among all these expences of Warres, had he care to lay up so much money and treasure as

was sufficient for the building of that huge and wonderfull Temple after him, which hee recommended to his son *Salomon*, and amidst all this valour and courage of so warlike a King and Capitaine, had he so much humility as to humble himselfe to *Nathan* the Prophet when he came to rebuke him for his fault, and so much patience and charity as to pardon *Semei* that reviled him, and threw stones at him in the high way as he went, and among so many and continuall businesse, both Martiall and Civill, and great affaires of the Commonwealth, he had time to write so many Psalmes as we see, and to sing prayes seven times a day to Almighty God, and to see his devotion at his death which we read of, and finally he so lived and so dyed, as never Prince (I thinke) before him, nor perhaps after him, so joyned together both valour and vertue, courage and humility, wisdom and piety, government and devotion, nobility and religion. Wherefore though I have been somewhat longer then I would in this example, yet hath it not been from the purpose to note somewhat in particular what two worthy Kings were put up by God in place of two other by him deprived and deposed.

And now, if we will leave the *Hebrews* and returne to the *Romans*, of whom we spake before, we shall finde divers things notable in that state also, to the purpose we have in hand. For before *Romulus* their first King having by little and little declined into tyranny, he was slaine and cut in peeces by the Senate. *Hal. l. i.* (which at that time contained an hundred in number) and in his place was chosen *Numa Pompilius* the notablest King that ever they had, who prescribed all their order of Religion and manner of sacrifices, imitating therein and in divers other points, the rites and ceremonies of the Jewes, as *Terullian* and other Fathers doe note, *1. c. 1. de praescrip. contra haeres. Justin. Mart. y. apolog.* Hee began also the building of their Capitol, added the two months of January and February to the year, and did other such notable things for that Commonwealth.

Againe, when *Tarquinius* the proud, their seventh and last King, was expelled by the Senate, for his cruell government, and the whole manner of Government changed, *Tib. Liv. l. i. c. 1. de. 1. Eutrop. l. 1.* Wee see the successe was prosperous, so that not onely no hurt came thereby to the Commonwealth, but exceeding much good, their government and increase of Empire was prosperous under their Consuls for many yeares in such sort, that whereas at the end of their Kings government, they had but fifteen miles territory without their City, it is knowne, that when their Consuls government ended, and was changed by *Pulvis Caesar*, their territory reached more then fifteen thousand miles in compasse, for that they had not only all Europe under their dominion, but the principall parts also of *Asia* and *Africa*, so as this chastisement so justly laid upon their Kings was profitable and beneficiall to their Commonwealth.

When *Pulvis Caesar* upon particular ambition had broken all Law both humane and divine, and taken all government into his owne hands alone, he was in revenge hereof, slaine by Senators in the Senate-house: and *Octavianus Augustus* preferred in his room, who proved afterwards the most famous Emperor that ever was.

I might note here also how *Nero* sixth Emperour of *Rome* which succeeded lawfully his Uncle *Claudius* in the Empire, and being afterward deposed sentenced to death by the Senate, for his wicked government (which was the first judicall sentence that ever the Senate gave against Emperours) albeit peace ensued nor presently, but that *Galba*, *Otho*, and *Vitellius*, three great Capitaines of the Empire, made some little enterludes of tragick killing of one the other, *Cornel. Tacit. lib. 20. c. 21. Egepp. l. 5.* yet within few months the whole Empire by that meanes fell upon *Vespasian* and his son *Titus*, two of the best governours that those times ever saw.

The like might be noted of the noble ranke of five excellent good Emperours, to wit, *Nirva*, *Traian Adrian*, *Antonius Pius*, and *Marcus Aurelius*, that ensued in the Empire by the just death of cruell *Dominian*, *Eutrop. in vita Casa.* which execution the Senate is thought in secret to have procured, (being not able to performe it openly by Justice) which was seen by that, that when the act was done, the Senate did presently by publique decree allow of the same, and disannulled all his barbarous acts for his exceeding cruelty, and commanded his armes and memories to be pulled downe every where, and chose for his successour, one *Coccius Nerva*, an Italian, a man of excellent vertue, by whom they enjoyed not only the most prosperous time of his government, but of all those other foure before named that ensued him no lesse worthy then himselfe.

Not long after, the succession of these excellent good Emperours that came to the Crown by lawfull descent of blood, a youth named *Antoninus Heliogab'us* son of the Emperour *Antoninus Caracalla*, and nephew to the most famous and noble Emperour *Septimius Severus* that dyed in *England*. Which youth as he was greatly loved and honoured a great while for so worthy a grandfather: so afterwards for his owne most beastly life and foule actions, *An. Dom. 124.* he was deprived and put to death by the Souldiers of *Rome*, at the request and common desire both of the people and Senate, when he had reigned six yeares, and yet was but twenty yeares of age, when hee was put downe, *Alius lap. in vita Heliog.* and his death and deprivation was approved by publique act of the Senate, who ordained also in his decession, that never Emperour after him should be called more *Antoninus*, and so it was observed, though no other name had ever been more grateful before, to the world for the remembrance of the good Emperours that had been so called.

This man being chastized as is said, there was preferred to the Empire in his room a goddly young man, of his next kindred, named *Alexander Severus*, son to *Mamoea* which was sister to *Heliogab'us* his mother, and being admitted by common consent, both of the Senate, People, and Army, *Herod. in vit. Sever.* he proved one of the most rarest Princes for his valour and verue, that ever the *Roman* Empire hath had, so as the worthinesse of *Severus* seemed to recompence fully the wickednesse of *Heliogab'us*.

I might name diuers other such examples, and among the rest that of *Alexand'us*, who being lawfully possessed of the Empire in *Rome*, as it seemed (for that he was son to *Maximinianus* the Emperour that reigned with *Dioctlesian*) yet for his tyrannous Government, that was intolerable, it is supposed that the Senate (not being able to match him in open strength) sent priuily into *England* and *France*, to invite *Constantine* to come, and do justice upon him, and so he did, and he being drowned in the river of *Tyber*, *Constantine* surnamed afterward the Great succeeded in the Empire, and was the man that all men know, and the first Emperour that publicly professed himself a Christian, and planted our faith over all the World, and this of the *Roman* Empire.

And if we will come lower down, and nearer home, we have yet another example, more remarkable perhaps than all the rest, which was the change of the Empire from the East to the West, for the evil Government of *Constantine* the sixth, who was deposed first, and his eyes put out by his own mother *Irene*, and the Empire usurped by her, but being not able to rule it in such order as was needfull, for so great a Monarchy (though otherwise she were one of the rarest women for valour and wisdom that ever the world had) she was deprived thereof by the sentence of *Leo* the third, Pope of *Rome*, and by consent of all the people and Senate of that City, and *Charles* King of *France* and of *Germany* (surnamed afterward the great) was crowned Emperour of the West, *An. 800.* and so hath that succession remained unto this day, and many worthy men have succeeded therein, and infinite acts of jurisdiction have been exercised by this authority which were all unjust and tyrannicall; if this change of the Empire, and deposition of *Irene* and her son for their evill government had not been lawfull.

It were to long to run over all other Kingdomes, yet some I shall touch in such points as are most notorious.

The two famous changes that have been made of the royall line in *France*, the first from the race of *Pharamond* and *Clodoveus* to the line of *Pepin*, and the second from the race of *Pepin* againe to the line of *Hugo Capetus*, that endureth unto this day, *Belfr l. 1. Girard l. 3. Emil. l. Clem. laudi centu chronique des rois de France.* whereon are they founded, but upon the iudiciall chastisement and deposition of two cruell Princes, the first of *Childerie*, the third lawfull King of *France*, who after ten yeares that he had reigned was deposed; by *Zachary* the Pope at the request of the whole Nobility and Clergy of *France*, or rather his deprivation was by them, and confirmed by the Pope, to whom they alleaged this reason for their doing in that behalfe, as *Girard* putteth it downe in both his French Chronicles, I mean the large and the abbreviation, to wit, *that their oath to Childerie was to honour, serve, and obey, maintaine, and defend him against all men, as long as he was iust, religious, valiant, clement, and would resist the enemies of the Crowne, punish the wicked and conserue the good; and defend the Christian faith. And for as much as these promises (said they) were conditionall, they ought not to hold or braide longer, then that they were reciprocally observed on both parts, which seeing they were not on the part of Childerie, they would not be any longer his subjects, and so desired* *Zacharias*

Za. hardas to absolve them from their oaths, which he did, and by this means Childeric was deposed and put into a Monastery, where he dyed, and in his place Pepin was chosen and crowned King, whose posterity reigned for many years after him, and were such noble Kings as all the world can testify.

And so continued the race of Pepin in the royall throne for almost two hundred years together, untill *Hugo Capetis*, *Hug. Cap. per an. 988.* who was put into the same throne by the same authority of the Commonwealth, and *Charles of Loraine* last, of the race of Pepin, for the evill satisfaction which the French Nation had of him was put by it, and kept prisoner during his life in the Castle of *Orleans*. And thus much doe affirme all the French Histories; and doe attribute to these changes, the prosperity and greatnesse of their present Kingdome and Monarchy; and thus much for *France*, where many other examples might be alleadged, as of King *Lewis* the third, surnamed *Faineant*. For that he was unprofitable, and of *Charles* surnamed *Le Gros*, that succeeded him both of them deposed by the States of *France*, and other the like, of whom I shall have occasion to speak afterwards to another purpose.

But now if you please, let us step over the *Pireny* mountains, and look into *Spayne*, where there will not faile us, also divers examples both before the oppression of that Realme by the *Moors*, as also after, *Concil. Tol. 4. cap. 4. Ambros. morac. l. 11. cap. 17.* For that before, to wit, about the yeare of Christ 630. we read of a lawfull King named *Flavio Suintila* put downe and deprived, both he and his posterity in the fourth Councell Nationall of *Toledo*, and one *Sissinundo* confirmed in his place, notwithstanding that *Suintila* were at the beginning of his reigne a very good King, and much commended by *Isidorus* Archbishop of *Sevill*, *Isidor. in Hist. hispan.* who yet in the said Councell was the first man that subscribed to his deprivation.

After the entrance of the *Moors* also, when *Spaine* was reduced againe to the order and government of Spanish Kings, we read *Estevan de Garibay l. 13. de la hist. de Espa. c. 15.* that about the yeare of Christ 1282. one *Don Alonso*, the eleventh of that name, King of *Castile* and *Leon*, succeeded his father *Fernando* surnamed the Saint, and himselfe obtained the surname of *Sabio* and *Astrologo*, that is to say, of wise and of an Astrologer, for his excellent learning and peculiar skill in that Art, as may well appeare by the Astronomy tables that at this day goe under his name, which are the most perfect, and exact that ever were set forth, by judgement of the learned.

This man, for his evill government and especially for tyranny used towards two nephews of his, as the Spanish Chronicler *Garibay* writeth, was deposed of his Kingdome by a publicke act of Parliament in the Towne of *Valadolid*, after he had reigned 30. yeares, and his owne sonne *Don Sancho* the fourth, was crowned in his place, who for his valiant acts, was surnamed *el bravo*, and it turned to great commoditie of the Commonwealth.

The same Commonwealth of *Spaine* some yeares after, to wit, about the yeare of Christ, 1368. having to their King one *Don Pedro*, surnamed the cruel, for his injurious proceeding with his Subjects, though otherwise he were lawfully seased also of the Crowne, as son and heire to King *Don Alonso* the twelfth, and had reigned among them 18. yeares, yet for his evill government they resolved to depose him, and so sent for a bastard brother of his, named *Henry* that lived in *France* requesting him that he would come with some Frenchmen to assist them in that act, and take the Crowne upon himselfe, *Garibay l. 14. c. 40. 41* which he did, and by the helpe of the Spaniards and French Souldiers, he drave the said *Peter* out of *Spaine*, and himselfe was crowned. And albeit *Edward* surnamed the black Prince of *England*, by order of his father King *Edward* the third, restored once againe the said *Peter*, yet was it not durable, for that *Henry* having the favour of the Spaniards returned againe, and deprived *Peter* the second time, and slew him in fight hand to hand, which made shew of more particular favour of God in this behalfe to *Henry*, and so he remayned King of *Spaine* as doth also his progeny injoy the same unto this day, though by nature he was a bastard, that King *Peter* left two daughters which were led away into *England*, and there married to great Princes.

And this King *Henry* so put up in his place was called King *Henry* the second of this name, and proved a most excellent King, and for his great nobility in conversation, and prowesse in Chivalry, was called by Excellency, *El cavallero* the Kingly King, and for his exceeding benignity and liberality, was surnamed also, *El del mercedes*, which is to say, the King that gave many gifts, or the liberall franck and bountifull King, which was a great change from the other surnamed

eruel, that King *Peter* had before; and so you see that alwayes I give you a good King in place of the bad deposed.

In *Portugal* also before I goe out of *Spain*, I will alleage you one example more, which is of *Don Sancho* the second, surnamed *Capelo*, fourth King of *Portugal*, lawfull sonne and heir unto *Don Alonso* surnamed *el Garde*, who was third King of *Portugal*. This *Don Sancho*, after he had reigned 34. yeares was deprived for his defects in government by the universall consent of all *Portugal*, *Garibay*, lib. 4. de hist. Portug. c. 19. and this his first deprivation from all kingly rule and authority (leaving him only the bare name of King) was approved by a generall Councell in *Lyons*, Pope *Innocentius* the fourth being there present, who at the Petition and instance of the whole Realme of *Portugal* by their Embassadors the Archbishop of *Braga*, Bishop of *Camibra*, and divers of the Nobility sent to *Lyons* for that purpose, did authorize the said State of *Portugal* to put in supream government, one *Don Alonso* brother to the said King *Don Sancho*, who was at that time, Earle of *Bullen* in *Picardy*, by right of his wife, and so the *Portugales* did, and further also a little after they deprived their said King, and did drive him out of his Realme into *Castilla*, where he lived all the rest of his life in banishment, and dyed in *Toledo* without ever returning, and this Decree of the Councell and Pope at *Lyons*, for authorizing of this fact, is yet extant in our Common Law, in the sixt Book of *Decretals* now in print, lib. 6. de cret. tit. 6. de supplenda. cap. Grand. 1. And this King *Don Alonso*, the third which in this sort was put up against his brother was peaceably and prosperously King of *Portugal*, all the dayes of his life, *Garibay* in hist. de Portug. lib. 34. cap. 20. & 21. and he was a notable King, and among other great exploit, he was the first that set *Portugal* free from all subjection dependence and homage to the Kingdom of *Castile*, which unto his time it had acknowledged, and he left for his successor his sonne, and heire, *Don Dionysio el Fabricador*, to wit, the great builder, for that he builded and founded above forty and foure great towns in *Portugal*, and was a most rare Prince, and his off-spring ruleth in *Portugal* unto this day.

Infinite other examples could I alleage if I would examine the lives and discents of these and other Kingdoms with their Princes, and namely, if I would speak of the Greek Emperours, deprived for their evill government, not so much by popular mutiny (which often hapned among them) as by consent and grave deliberation of the whole State and Weal-publick, *Glicas* in *Annales* part. 4. *Zon.* *Annales* ca. 3. in vita *Michael Calapha*, as *Michael Calaphates*, for that he had trodden the Crosse of Christ under his feet, and was otherwise also a wicked man, as also the Emperor *Nicephorus Botoniates*, for his dissolute life, and preferring wicked men to authority, and the like, whereof I might name many, but it would be too long.

What should I name here, the deposition made of Princes, in our dayes, by other Common-wealths, as in *Polonia*, of *Henry* the third that was King of *France*, and before that had been sworne King of *Polonia*, of which Crowne

of *Polonia*, he was deprived by publick act of Parliament, for his departing thence without license, and not returning at his day by the said State appointed and denounced by publick Letters of peremptory commandement, which are yet extant, *In literis resp. Polon. ad Henr. Valesium pag. 182. 184. Vide Gagneum part. I. de rebus Polon. In Suetia.*

What should I name the deprivations of *Henry King of Suetia*, who being lawfull successor and lawfully in possession after his Father, *Gustavus* was yet put downe by that Common-wealth and deprived, and his brother made King in his place who was in *England*, in the beginning of *Queen Elizabeths* reigne, whose sonne reigned King of *Polonia*, *Polin. r. 32. Histor. de Franc. An. 1568.* and this fact was not only allowed of at home by all the States of that countrey, but also abroad, as namely of *Maximilian* the Emperor, and appointed also by the King of *Denmarke*, and by all the Princes of *Germany* neer about that Realme, who saw the reasonable causes which that Common-wealth had to proceed as it did.

And a little before that, the like was practised also in *Denmarke* against *Cister-nus* their lawfull King if we respect his descent in blood, for he was sonne to King *John* that reigned afore him, and crowned in his fathers life, but yet afterwards for his intolerable cruelty, he was deprived and driven into banishment, together with his wife and three children, all which were disinherited, and his Vncle *Frederick* Prince of *Holsatia*, was chosen King, whose Progeny yet remaineth in the Crowne, and the other, though he were married to the sister of *Charles* the fifth last Emperour of that name, and were of kin also to King *Henry* the eight in *England*, yet could he never get to be restored, but passed his time miserably, partly in banishment, and partly in prison untill he died. *Sleyden. l. 4. hist. An. 1532. Munst. lib. 3. Cosmogra. in descript. Davide Paulus Iovius in vitis illust.*

But it shall be best perhaps to end this narration with example out of *England* it selfe, for that no where else have I read more markeable accidents, touching this point, then in *England*, and for brevity sake I shall touch only a few since the Conquest, for that I will goe no higher though I might, as appeareth by the example of King *Edwin* and others, neither will I begin to stand much upon the example of King *John*, though well also I might, so that by his cruell government he made himselfe both odious at home and contemptible abroad.

After him King *Henry* the third was admitted, and he proved a very worthy King after so cruell a one as had gone before him, and had been deposed (which is a circumstance that you must alwayes note in this narration) and hee reigned more yeares then ever King in *England* did before or after him, for he reigned full 53 yeares, and left his son and heire *Edward* the first, not inferiour to himselfe in manhood and vertue, who reigned 34 yeares and left a son named *Edward* the second, who falling into the same defects of government or worse, then King *John* his great Grandfather had done, was after 1. yeares reigne deposed also by act of Parliament holden at London the

the yeare 1326 *Polyd. 18. hist. Anglicane Anno 1326.* and his body adjudged to perpetuall prison, in which he was at that present in the Castle of *Wallingford*, whither diuers both Lords and Knights of the Parliament were sent unto him to denounce the sentence of the Realme against him, to wit, how they had deprived him, and chosen *Edward* his son in his place, *Stow in the life of King Edward the 2.* for which act of choosling his son, he thanked them heartily and with many teares, acknowledged his owne unworthinesse, whereupon hee was degraded, his name of King first taken from him, and he appointed to be called *Edward of Carnarvan* from that houre forward. And then his Crowne and ring were taken away, and the Steward of his house brake the staffe of his office in his presence, and discharged his servants of their service, and all other people of their obedience or allegiance toward him: and towards his maintenance he had only a 100 marks a year allowed for his expences, and then was hee delivered also into the hands of certain particular keepers, who led him prisoner from thence by diuers other places using him with extreme indignity in the way, untill at last they took his life from him in the Castle of *Barkley*, and his son *Edward* the third reigned in his place, who if we respect either valour, prowesse, length of reigne, acts of cheualry, or the multitude of famous Princes, his children left behind him, was one of the noblest Kings that ever *England* had, chosen in the place of a very evill one.

But what shall we say? Is this worthinesse which God giveth commonly to the successours at these changes, perpetuall or certaine by discent? no truly; nor the example of one Princes punishment maketh another to beware, for the next successour after this noble *Edward* which was King *Richard* the second, though he were not his son, but his sons son, to wit, son and heire to the excellent and renowned black Prince of *Wales*, this *Richard* (I say) forgetting the miserable end of his great Grandfather for evill government, as also the felicity, and vertue of his Father and Grandfather for the contrary, suffered himselfe to be abused and misled by evill counsellours, to the great hurt and disquietnesse of the Realme. For which cause after he had reigned 22. yeares, he was deposed by act of Parliament holden in *London*, the yeare of our Lord 1399. and condemned to perpetuall prison in the Castle of *Ponfret*, *Polyd. l. 20. hist. Aug. 1399.* where he was soon after put to death also, and used as the other before had been, and in this mans place by free election was chosen for King the noble Knight *Henry* Duke of *Lancaster*, who proved afterwards a notable King, and was father to King *Henry* the fifth, surnamed commonly the *Alexander* of *England*, for that as *Alexander* the great conquered the most part of *Asia* in the space of 9. or 10. yeares, so did this *Henry* conquer *France* in lesse then the like time.

I might reckon also this number of Princes deposed for defect in government (though otherwise he were no evill man in life) this King *Henry* the fourths nephew, I mean King *Henry* the sixth, who after almost forty yeares reigne

reigne was deposed, imprisoned, and put to death, *Polyd. l. 23. histor. Anglie.* together with his sonne the Prince of Wales, by *Edward the fourth* of the house of *Torke*, and the same was confirmed by the Commons, and especially by the people of *London*, and afterwards also by publicke Act of Parliament, in respect not only of the title which King *Edward* pretended, but also and especially for that King *Henry* did suffer himselfe to bee overruled by the Queen his wife, and had broked the articles of agreement made by the Parliament, between him and the Duke of *Torke*, and solemnly sworne on both sides, the 8. of *Octob.* in the yeare 1459. In punishment whereof and of his other negligent and evill government, (though for his owne particular life he was a good man) sentence was given against him, partly by force and partly by law, and King *Edward* the fourth was put in his place, who was no evill King and all English men well know, but one of the renownedst for martiall acts and justice that hath worne the English Crowne.

But after this man againe, there fell another accident much more notorious, which was that *Richard Duke of Gloucester*, this King *Edwards* younger brother, did put to death his two nephews, this mans children, to wit, King *Edward* the fifth and his little brother, and made himselfe King, and albeit he sinned grievously by taking upon him the Crown in this wicked manner yet when his nephews were once dead, he might in reason seem to be lawfull King, both in respect that he was the next male in blood after his said brother, as also for that by divers acts of Parliament, both before and after the death of those infants, his title was authorised and made good, and yet no man wil say (I think) but that he was lawfully also deposed againe afterward by the Commonwealth, *An. 1487.* which called out of *France*, *Henry Earle of Richmond* to chastise him, and to put him downe, and so he did, and tooke from him both life and Kingdome in the field, and was King himselfe after him by the name of King *Henry* the seventh, and no man I suppose, will say but that he was lawfully King also, which yet cannot be, except the other might lawfully be deposed; I would have you consider in all these mutations, what men commonly have succeeded in the places of such as have been deposed, as namely in *England*, in the place of those five Kings before named, that were deprived, to wit, *John*, *Edward* the second, *Richard* the second, *Henry* the sixth, and *Richard* the third, there have succeeded the three *Henries*, to wit, the third, fourth, and seventh, and two *Edwards*, the third and fourth, all most rare and valiant Princes, who have done infinit important acts in their Commonwealths, and among other, have raised many houses to Nobility, put downe others, changed states both abroad and at home, distributed Ecclesiasticall dignities altered the course of descent in the blood Royall, and the like, all which was unjust, & is void at this day if the changes and deprivations of the former Princes could not be made, and consequently none of these that doe pretend the Crowne of *England*, at this day, can have.

have any title at all, for that from those men they descend who were put up in place of the deprived.

And this may be sufficient for proove of these two principall points, that lawfull Princes have oftentimes by their Commonwealths been lawfully deposed, for misgovernment, and that God hath allowed and assisted the same, with good successe unto the Weal-publique, and if this be so, or might be so, in Kings lawfully set in possession, then much more hath the said Commonwealth power and authority to alter the succession of such as doe but yet pretend to that dignity, if there be due reason and causes for the same.

The fourth Speech.

TRuly Sir I cannot deny, but the examples are many that this Gentleman hath alleaged, and they seeme to prove sufficiently that which you affirmed, at the beginning, to wit, that the Princes by you named were deprived, and put downe by their Common-wealths for their evill government. And good successors commonly raised up in their places, and that the Common-wealth had authority also to doe it I doe not greatly doubt, at leastwise, they did it, *de facto*, and now to call these facts in question, were to embroyle and turne up-side-down all the States of Christendome, as you have well signified, but yet for that you have added this word lawfully so many times, in the course of your narration, I would you tooke the paines to tell us also, by what Law, they did the same, seeing that *Belloy* whom you have named before, and some other of his opinion doe affirme, *Belloy apolog. catholis. part. 2. paragraf. 9. & apol. pro rege. cap. 9.* That albeit by nature the Common-wealth have authority over the Prince, to chuse and appoint him, at the beginning, as you have well proved out of *Aristotle* and other wayes; yet having once made him, and given up all their authority unto him, he is now no more subject to their correction, or restraint, but remaineth absolute of himselfe without respect to any, but onely to God alone, which they prove by the example of every particular man, that hath authority to make his Master or Prince, of his interiour; but not afterwards to put him downe againe, or to deprive him of the authority which he gave him, though he should not beare himselfe well and gratefully, but discourteous rather, and injuriously towards him that gave him first this authority.

To which also they doe alleage the speech of the Prophet *Samuel*, in the first Booke of the *Kings*, where the people of *Israel* demanded to have a King to governe over them, as other nations round about them had, and to leave the

the government of the high Priest under whom at that day they were. At which demand both God himselfe and *Samuel* were grievously offended, and *Samuel* by Gods expresse order, protested unto them in this manner, 1 Reg. 8. *Well* (quoth he) *you will have a King, hearken then to this that I will say. Hoc erit jus regis, qui imperaturus est vobis*; this shall be the right and power of the King that shall rule over you, to wit, he shall take from you your Children, both Sonnes and Daughters, your Fields and Vineyards, your Harvest also and Rents, your Servants, Handmaids, and Herds of Cattle, and shall give them to his Servants; and you shall cry unto God in that day, from the face of this your King, whom you have chosen, and God shall not heare you, for that you have demanded a King to govern you.

Out of all which discourse and speech of the Prophet, these men doe gather that a King is nothing so restrained in his power, or limited to Law, as you have affirmed, but rather that his law is his owne Will, as by these words of the Prophet may appeare, and much lesse may the Common-wealth chastise or deprive him for exceeding the limits of Law, or doing his Will, seeing that here in this place God doth fore-tell, *that Princes oftentimes shall commit excesses and injuries*; and yet doth he not therefore will them to chasten or depose them for the same, but rather insinuateth, that they must take it patiently for their sins, and cry to God for remedy, and persevere therein, though he doe not at the first hearken to them, or grant their redresse.

The fifth Speech.

I Confesse, that Flatterers of Princes in these our dayes have not onely affirmed, *that Princes were lawlesse, and subject to no accompt, reason, or correction, whatsoever they did*, but also (which is yet more absurd and pernicious to all Common-wealths) *Belloy apolog. part 2. p. 7. & apol. pro Reg. c. 6. & 24. & 26. That all goods, chattels, possessions, and whatsoever else commodities temporall of the Common-wealth are properly the Kings, and that their Subjects have onely the use thereof, without any propriety at all, so as when the King will he may take it from them by right, without injustice or injury*, which assertions doe overthrow wholly the very nature and substance of a Common-wealth it selfe.

For first, to say that a King is subject to no Law or limitation at all, but may doe what he will, is against all that I have alleadged before of the very institution of a Common-wealth, which was to live together in justice and order, and as I shewed out of *Cicero*, speaking of the first Kings, *Justitia fruenda causa bene morati Reges olim sunt constituti*. For enjoying of justice were Kings appointed in old time that were of good life; but if they be bound to no justice at all, but must be born and obeyed, be they never so wicked, then is this end and hurt of the Common-wealth, and of all Royall authority, utterly frustrate: then may we set up publike Murderers, Ravishers, Theeves, and Spoyleers to devour us, in stead of Kings and Governours to defend us; for such indeed are Kings that follow no Law, but passion and sensuality, and doe commit injustice by their publike authority; and then finally were all those Kings before mentioned, both of the Jewes, Gentiles, and Christians unlawfully deprived

prived, & their Successors unlawfully put up in their places, and consequently all Princes living in Christianity at this day, who are descended of them are intruders, & no lawfull Princes, & by the second saying also, that all temporalities are properly the Princes, and that Subjects have only the use thereof, without any interest of their owne, no lesse absurdities do follow, then of the former assertion: for that first it is against the very principle and foundation of our civill law, which at the first entrance, and beginning maketh this division of goods, *That some are Common by nature to all men, as the Air, the Sea, and the like; other are publike to all of one City or Country, but yet not common to all in generall, as Rivers, Ports, and other such: some are of the community of a City or Common wealth, but yet not common to every particular person of that City, as common Rents, Theatours, the publike house, &c. some are of none, nor property of any mans goods, as Churches and sacred things, and some are proper to particular men, as those which every man possesseth of his owne*, which division of *Justinian* the Emperour, and his most learned Lawyers is not good, if the Prince bee Lord proprietary of all: nay hee that made this division, being Emperour, did great injury also to himselfe, in assigning that to others, which by the opinion of *Belloy* and his fellows, was properly and truly his own, in that he was Emperour and Lord of the world. Besides all this, so absurd a saying is his, as it overthroweth the whole nature of a Common-wealth it selfe, and maketh all subjects to be but very slaves. For that slaves and bondmen, as *Aristotle* saith, in this do differ from Free-men, that slaves have only the use of things without property or interest, and cannot acquit or get to themselves any dominion or true right in any thing, for that whatsoever they do get it accreth to their Master and not to themselves, & for that the condition of an Oxe or an Asse is the very same in respect of a poore man that hath no slave: for that the Oxe or Asse getteth nothing to himselfe, but only to his Master, and can be Lord of nothing of that for which he labourer: for this cause, wittily also said *Aristotle*, that *bos aut asinus pauperi agricolae p. servo est*. An Oxe or an Asse is to a poor husbandman in stead of a bondman; and so seeing that Malignants will needs have the state and condition of all subjects to be like unto this, in respect of their Prince, and that they have nothing in propriety, but onely the use, and that all dominion is properly the Princes; what doth the other then make all Subjects not onely slaves, but also Oxen and Asses, and *pecora campi*. Last of all, for I will not overload you with reasons in a matter so evident, if all Subjects goods be properly the Kings why then was *Achab* and *Jezabell* King and Queen of *Israel*, so reprehended by *Elias*, and so punished by God, for taking away *Naboths* Vinyard? seeing they took but that which was their own. Nay, why was not *Naboth* accused of iniquity, rebellion and treason for that he did not yeeld up presently his Vinyard, when his Princes demanded the same, seeing it was not his, but theirs? Why doe the Kings of *England* *France* and *Spaine* aske money of their Subjects in Parliaments, if they might take it as their own? Why are those contributions termed by the name of Subsidies, helps, benevolence, lones, &c. if all be due, and not voluntary

tary of the Subjects part? How have Parliaments oftentimes denied to their Princes such helps of money as they demanded? Why are there Judges appointed to determine matter of Suits & Pleas betweene the Prince and his Subjects, if all be his, & the Subjects have nothing of his own? And last of all, why doth the Canon Law so streightly inhibit all Princes, upon pain of excommunication, to impose new impositions & taxes upon their people, without great consideration & necessity, & free consent of the givers, if all be the Princes, & nothing of the Subject? Nay, why be all Princes generally at this day prohibited to alienate any thing of their own Crown, without consent of their people, if they only be Lords of all, and the People have interest in nothing.

And hereby also we may gather what the Prophet *Samuel* meant, when he threatened the Jews with the disorders of Kings that should reign over them; not that these disorders were lawfull or appertained to a righteous King, but that seeing they refused to be under the moderate government of their high Priests, & other Governors which God had given them hitherto, & required to be ruled by Kings, as other Heathen Nations of *Egipt*, *Babilon*, *Syria*, & *Persia* were, whose manner of Government, not only Historiographers, but Phylosophers also, & *Aristotle* among the rest, doth note to have been very tyrannicall *Arist. l. 5. pol. c. 11. Joseph l. 6. ant. c. 4.* yet for that the Jews would needs have that government, as a matter of more pomp & glory, then that which hitherto they had, *Samuel* did first insinuate to them, what extortion & wickednesse those Heathen Kings did use commonly over their people, in taking their children, servants, wives, goods, & the like from them, & that many Kings of Israel should do the like, & take it for their right and Sovereignty & should oppress & tyrannize over them & inforce them to cry out to God for help, & they should not finde remedy, for that so headily they had demanded this change of government, which highly displeased Almighty God.

And this is the true meaning of that place, if it be well considered, and not to authorize hereby injustice or wickednesse in any King seeing the principall points recorded to all Princes, and Kings through all the whole Scripture, are *diligere iudicium & iustitiam, apprehendere disciplinam, & facere veritatem*, that is to say to love judgement, and justice, to admit discipline and to execute truth, and this is the instruction that God gave to the Jewes in *Deutronomy Deut. 17. 3. Reg. 2. & 10* for their Kings when they should have them, which God foretold many yeares before they had any, and this is the admonition that King David left unto, *Psal. the 2.* his Sonne and successour *Solomon*, at his death, and by him to all other Kings and Princes, and for want of observing these points of judgement, justice, discipline, and truth, wee see not only *Achab*, and *Jezabel* before mentioned grievously punished, but many other Kings also by God himselfe, as *Achaz*, *Manasses*, *Joachim*, and the like which had not bene justice on Gods part so to punish them if it had been lawfull for them to use that manner of proceeding towards their people as these good instructors of Princes in our daies most fondly and wickedly do affirme, and thus much for that place.

But to the point by what Law the Common-wealthes, did punish their evil Princes it is by all law divine & humane, divine for that God doth approve that form of government which every common-wealth doth chuse unto it selfe, as also the

conditions, statutes and limitations which it selfe shall appoint unto her Princes as largely before hath been declared. And by all human law also: for that all law both naturall, nationall, and positive doth teach us, that Princes are subject to law and order, and that the common-wealth which gave them their authority for the common good of all, may also restraine or take the same way againe, if they abuse it to the common evill.

And whereas these men say, that like as if a private man should make his inferiour or equall to be his prince, he could not after restraine the same againe & so neither the common wealth having once delivered away her authority: I answer first that the comparison is not altogether like, for that a private man though he give his voice to make a Prince, yet he being but one maketh not the Prince wholly as the Common wealth doth, and therefore no marvaile though it lie not in a particular mans hand to unmake him againe, besides this, a private man having given his voice to make his Prince remaineth subject and inferiour to the same, but the whole body though it be governed by the Prince as by the head, yet is it not inferiour but superiour to the Prince, neither so giveth the common-wealth her authority and power up to any Prince, that she depriveth her selfe utterly of the same, when need shall require to use it for her defence for which she gave it. And finally which is the chiefest reason of all, & the very ground and foundation of all Kings authority among Christians, the power and authority which the Prince hath from the common-wealth is in very truth not absolute, but *potestas vicaria or delegata*, that is to say a power delegate, or power by commission from the common wealth, which is given with such restrictions, cautels, and conditions, yea, with such plaine exceptions, promises, and oathes of both parties, (I meane between the King and common wealth at the day of his admission or coronation) as if the same be not kept, but wilfully broken on either part, then is the other not bound to observe his promise neither, though never so solemnly made or sworn; for that in all bargains, agreements, & contracts, where one party is bound mutually and reciprocally to the other, by oath, vow, or condition, there, if one side go from his promise, the other standeth not obliged to perform his: and this is so notorious by all law, both of nature and nations, and so conform to all reason and equity, that it is put among the very rules of both the civill and cannon law; where it is said, *Frustra à fidem sibi quis postulat servari ab eo, cui fidem à se præstare servare recusat*. He doth in vaine require promise to be kept unto him at another mans hands, to whom he refuseth to performe that which himself promised; and againe, *Non abstringitur quis juramento ad implendam quod juravit, si ab alia parte non impietur, cuius respectu præbuit juramentum*. A man is not bound to performe that which by oath he promised, if on the other part, that be performed in respect whereof this oath was made; as for example, if two should sweare the one to assist the other upon the way in all respect, & after falling upon enemies that were either kin or friends to the one of them, & he should take their part against his fellow; cleer it is, that the other were not bound to keep his oath toward that Party that hath so wickedly broken it unto him. Nay, not only in this case that is so evident & passable by nature it self, but in many other also, it is both lawfull, honest, & convenient, to leave sometimes the performance of our oath; as namely, when the fulfilling thereof should containe any notable hurt or inconvenience against

gainst Religion, Piety, justice honesty, or the weal publike, or against the party himself to whom it was made, as if a man had sworn to restore a sword to a mad or furious man, wherewith it were likely he would destroy himself & others, and other like cases, which *Cicero* putteth down in his first booke of offices; & deduceth them from the very ground of nature and reason it self, & saith that it were contrary to the duty of a good or honest man, in such cases to performe his promise. Our Divines do also alledge the example of *Herod*, that had sworn to the daughter of *Herodias* to give her what she demanded, who demanding the head of St. John Baptist, *Mat.* 24. though *Herod* were sorry for the same; yet saith the text, *that for his oath sake, he commanded it to be performed*, which yet no man will deny, but that it had been far better left unperformed & the oath better broken then fulfilled, according to another rule of the law, which saith, *in malis promissis fidem non expedit observari*, *Regul.* 68. in fine 6. *Decret.* it is not expedient to keep our promise in things evill promised. And finally to this purpose, to wit, to determine how many wayes an oath may be lawfully broken or not kept, here is a whole title in the Canon law, containing 36 chapters, wherein are set down many & divers most excellent & evident cases about the same, determined by *Gregory* the 1. & other antient Popes & Doctors; and in the second part of the Decree, there is alledged this sentence out of *Isidorus*, & established for law, *in malis promissis rescinde fidem, in turpi voto muta decretum, impia enim promisso qua scedere impletur, tale ie*, in evill promises performe not your word, in an unlawfull vow or oath change your determination for it is an impious promise which cannot be fulfilled but with wickednesse, and the very same matter is handled in the question following, which is the fift, throughout 23 whole chapters together. So as nothing is more largely handled in our law both Civill & Canon then this matter of promises & oaths how & when & why & in what cases they hold or bind, and when not. All which to apply it now unto our matter of Kings, that we have in hand, we are to understand that two evident cases are touched here, as you see; when a subjects oath or promise of obedience may be left unperformed towards his Prince: the first when the Prince observeth not at all his promise & oath made to the Common-wealth at his admission or coronation, & the other when it should turn to the notable damage of the weal publike (for whose only good the Princes office was ordained & proved, if the Subject should keep and perform his oath & promise made unto his Prince. And both these cases are touched in the deprivation of *Childerike* the last King of France, of the first line of *Pharamond*, for that as *Palus Emalue Belforest*, *Gerard*, and other French stories do testifie, *Emel.* l. 2. *Hist. Fr. m. Belf. in u. 11 Childer. Gerrard.* lib. 3. the Bishop of *Wirtsburg*, that in the name of all the Nobility and Common-wealth of France, made his Speech to *Zachary* the Pope for his deposition, and for the election of *Pepin* in his place, alledged these two reasons, saying,

Truth it is, that the French have sworn fidelity unto *Childerike*, as to their true and naturall King, but yet with condition, that he on his part should also performe the points that are incident to his office, which are

To defend the Common-wealth, protect the Church of Christ, resist the wicked, advance the good, and the like; and if he doe this, then the French are ready to continue their obedience & allegiance unto him; but if he be apt for none of these

things, neither fit, either for a Captain in War, or for a Head in Peace; and if nothing else may be expected while he is King, but detriment to the State, ignominy to the Nation, danger to Christian Religion, & destruction to the Weal Publike, then it is lawfull for you no doubt, most holy Father, to deliver the French from this band of their oath, & to refuse that no promise can blinde this Nation in particular, to that which may be hurtfull to all Christendome in generall. Thus far that Bishop and his speech was allowed, and *Chelderick* deposed, and *Pepin* made King in his place.

By this then you see the ground whereon dependeth the righteous and lawfull deposition and chastisement of wicked Princes, viz. their sayling in their oath and promises which they made at their first entrance, that they would rule & govern justly, according to law, conscience, equity, and religion, wherein when they sayle, or wilfully decline, casting behinde them all respect of obligation and duty, to the end for which they were made Princes, and advanced in dignity above the rest; then is the Commonwealth not only free from all Oaths made of obedience or allegiance to such unworthy Princes, but is bound moreover for saving the whole body to resist, challenge, & remove such evil heads if she be able, for that otherwise all would come to destruction, ruine, and publike desolation.

And here now comes in all those considerations which old Phylosophers, Law-makers, & such others as have treated of Common-wealths are wont to lay down, of the difference & contrariety between a King & a Tyrant, *Plat. dial. i de repub. Arist. l. 2. pol. c. 5.* for that a King (as both *Plato* & *Aristotle* doth declare) when once he declineth from his duty becommeth a Tyrant, *that is to say*, of the best and most Sovereign thing upon earth, the worst & most hurtful creature under Heaven; for that as the end and office of a King is to make happy his Commonwealth, so the butt of a Tyrant is to destroy the same. And finally the whole difference is reduced to the principal head that before I have mentioned, *to wit*. That a King ruleth according to equity, oath, conscience, justice, & law prescribed unto him; and the other is enemy to all these conditions. There is a speciall book set forth of this matter, by one *Bartolus*, Father of Civill Law, where the matter is handled largely, as also how lawfull & commendable it is to resist any Tyrant. He concludeth with *Cicero* in his books *de legibus*, where he saith, *ut populo Magistratus ita Magistratus presunt leges, Cicero l. 3. de legibus*. A good Prince or Magistrate maketh his accompt, that as he is over the People, so Laws are over him, & a Tyrant the contrary. And greatly is commended the saying of *Theodosius* & *Valentinian*, two worthy Emperors, recorded in our civil Law, who said *Digna vox est Majestate regnantis, legibus se allegatum fateri*. It is a speech, worthy the Majesty of him that reigneth, to confesse that he is bound unto the Laws, & the contrary, saying of the Tyrant *Cajus Caligula*, is justly detested by all Writers, who said unto one, as *Suetonius* reporteth, *Memento mihi omnia & in omnes licere*, remember that all things are lawfull unto me & against all men without exception. The saying also of the famous Emperor *Trajan* deserveth immortal memory & commendation who when he delivered the Sword to a Pretor or Governor of *Rome* to do justice headed these words, Take this Sword, & if I do reign justly, use it for me, and if not, then use it against me, which in effect and substance, they are the very words which our Christian Princes at this day do use at their entrance and coronations, when

when they promise and swear to rule justly; and according to the laws, Statutes and Ordinances of their country, and upon that condition do take the oathes of their subjects obedience, protesting there withall, that if they performe not this, that then their subjects are free as before from all allegiance and then may the common wealth as also the very officers themselves of such a King use their sword against him, who gave it to them, for the publique good if need so require, as Trajan commanded.

Concerning oathes and promises made by Princes at their first admission to government, for as much as not nature, but the election and consent of the people, had made their first Princes from the beginning of the world; most certaine it appeared, and conforme to all reason that they were not preferred to this eminent power and dignity over others, without some conditions and promises made also on their parts, for using well this supreme authority given unto them: seeing it is not likely that any people would ever yeeld to put their lives, goods and liberties in the hands of another, without some promise and assurance of iustice and equity to be used towards them, and hereof it came to passe, that both the Romans and Grecians, to their ancient Kings prescribed lawes and limites.

And in every common wealth the more orderly the Prince cometh to his crowne, and dignity, the more expresse and certaine have beene ever those conditions and agreements between him and the people, as on the other side the more violently the Prince getteth his authority or by tyranny and disorder, as those ancient and first Tyrants of *Assiria*, to wit *Nimrod*, *Belus* and the like, that by meere force and guile got rule over others, and the old Kings of *Egypt*, and *Babylon*, and those of the Roman Emperours that by violence of Souldiers enty got into the Royall seat, and all such as at this day do get by force to raise among the Turkes, among these (I say) it is no marvaile, though few conditions of just dealing may be expected, though I doubt not but yet to their followers and advancers, these men also do make large promises of good government at the beginning, as all ambitious men are wont to do, though with little intention of performance.

But in all good and well ordered common wealths where matters passe by reason, conscience, wisdom and consultation, and especially since christian religion hath prevailed, and given perfection to that naturall light which morall good men had before in matters of government, since that time I say this point of mutuall and reciprocall oathes between Princes and subjects at the day of their coronation or admission (for all are not crowned) have beene much more established, made clear and put in use, and this forme of agreement and convention between the common wealth and their christian head or King, hath beene reduced to a more sacred and religious kinde of union and concord then before, for that the whole action hath beene done by Bishops and ecclesiasticall prelates, and the stipulation and promises made on both sides have passed and beene given received and registred with great reverence in sacred places, and with great solemnity of religious ceremonies, which before were not so much used, though allwaies there were some. And therefore our examples at this time shall be only of Christian common wealths for that they are more pecularly to our purpose.

First then to beginne with the East or Greeke Emperours of Constantinople, the most ancient among other, for that after the Empire once translated from Rome to Constantinople, by our Constantine the great and the first Christian Emperour that ever did publicly shew himselfe for such, these Greeke emperours were the most eminent Princes of all Christianity among whom I do finde that albeit their coming to the Crowne were nothing so orderly for the most part as at this day it is used, but many times the meanes thereof were turbulent and seditious, yet thus I say that above a thousand yeares gone, they were wont to have an oath exacted at their hands, by the patriark of Constantinople who was their chiefe Prelate, for thus writeth *Zonaras* of the coronation of *Anastarius* the first, that succeeded *Zeno*, about the yeare of Christ 524. *Antequam coronaretur, fidei confessionem scriptam, qua obiceretur, se in dogmatibus Ecclesiasticis nihil esse novatum, ab eo exegit patriarch Euphemius vir sanctus & orthodoxus.* the patriarch Euphemius being a holy and catholique man, required of *Anastarius* elected Emperour, before he was crowned a confession in writing wherein hee should promise to change or innovate nothing in matters pertaining to the doctrine of the Church and the same have *Nicephorus Enagrus* and others.

And not onely this but divers other conditions also doth the same author insinuate that this *Anastatius* promised at his coronation on before he could be crowned, as among other things the taking away of certain tributes and impositions, the giving of Offices without money and other like points, appertaining to reformation and good government, which he performed for a time in the beginning of his government, but after fell into the heresies of the Eutichians, and banished this same good Patriarch *Euphemius* that had crowned him, and he thrived thereafter for that he was slaine by a thunder-bolt from heaven, after he had reigned 27. yeares, and was accompted for a very wicked man, by all writers, for that he had broken (as they said) the conditions *quas gravi juramento scriptis relato confirmasset*. That is to say the conditions which he had avowed and confirmed with a grave oath.

The like I read about 300. yeares after, recorded by the same author of the Emperour *Michaell* the first in these words. The Grecian Emperours oath. *Mochaell ubi dilaxit magnam ecclesiam ingressus, à Patriarcha Nicephoro imperatoria diademata est ornatus post sitato scripto, quo promitteret, se nulla ecclesia instituta violaturum neque christianorum sanguine manus contaminaturum.* *Zon Tan. 3. in vita Mich. An. 820.* Which is *Michell* new chosen Emperour, came early in the morning into the great Church of Constantinople, and was crowned there with the Imperial crowne by the hands of *Nicephorus* the Patriarch, but yet so, as he was first required to swear and promise by writing, that he would never violate the ordinances of the Church, nor contaminate his hands with Christian blood, which in effect, is as much to say, as that he should reign godly and justly and many other such examples might be alledged, but by this it is easie to see, what was the the fashion of admitting and crowning those Grecian Emperours by their Patriarchs, in the name of all the Common-wealth, which Common-wealth was not satisfied with an oath, except also it were set down in writing. And if we passe to the Latine and West-Empire which about this very time was restored by *Zachary* the Pope, and by the whole Common-wealth of *Rome* and was given to *Charles* the great and his Posterity, we shall finde that this point is more settled and more inviolably kept yet in this Empire then in the other, for albeit, that this Empire of the West went by succession for the most part at the beginning untill afterwards it was appointed by Pope *Gregory* the 5. to passe by the election of certain Princes in Germany, that now enjoy that priviledge to be Electors yet shall wee see alwayes, that they even before this constitution, when this dignity went by succession, were never admitted to the same, without this circumstance of swearing to conditions of righteous government: the forme and manner of which admission, for that I finde it set downe more perfectly, and particularly in the coronation of *Otho* the 1. then of any other Emperor and that by many Authors, and that this *Otho* was son and heyr unto the famous Emperour of *Hen. 1.* of that name, Duke of Saxony, surnamed the Faulkner for the great delight he had in the flight of Faulcons, *Saxo Gram. l. 10. C. 20. l. 3. metro c. 2.* for these causes I mean to begin with the coronation of this man, before any other. This *Otho* then son to *H. 1.* though being his heyr, and so named by *H.* himselfe to the inheritance of the said crown of Germany: yet was he not admitted thereunto untill he had made his oath and received his new approbation by the people, for so the story saith, that the Archbishop of *Moguntia* (the chiefe Primate of all Germany bringing him to the Altar where he must swear, saith these words, unto the people: Behold I bring you here *Otho*, chosen by God, & appointed out by his Father *Henry* our Lord, and now made King by all the Princes of this Empire, is this election please you, do you signifie the same by holding up your hands to Heaven, *Whitchindus gest. Saxon lib. 1.* And thereupon the said Archbishop turned about to the Altar, where lay all the ornaments and ensignes of the Empire, as the sword with the girdle, the cloke with the bracelets, the staffe with the scepter, and diadem, every one whereof the Archbishop put upon the Emperour, telling him the signification of every thing, what it did bind him unto: as for example when he put the sword about him he said, *accipi hunc gladium, que ejicias omnes Christi adversarios & malos Christianos, autoritate divino per Episcopos tibi tradita, wit. chin. l. 2,* which is, take unto thee this sword whereby thou mayst cast out and drive away all the enemies of Christ, whether they be barbarous infidels, or evill christians, and this by the authority of God delivered unto thee by us.

And thus he did with all other ornaments and ensignes telling the signification and obligation of every one, and taking the Emperours promise to performe all.

And after all, *Rex persusus elco sancto, coronatur diademate aureo, ab Episcopis, & ab eisdem ad forum regale du-*

deur & in de colocator, The king being anointed with holy oyle was crowned by the Bishops, and by the same was brought to the Royall seat, & therein placed. This hapned about the year of Christ, 940. & the Ceremony is recounted more amply in this mans Coronation, then in any other, both for that he was a very noble Prince, & the very first of the German Nation that was lawfully & orderly preferred to the Imperiall Seat, after that it passed from the children of *Charles* the great, and there be divers points worthy the noting in this example, and among other, that albeit hee were lawfull king & Emperour by succession, as also by appointment of his Father: yet was hee chosen & admitted again by the Princes & people, and that he swore to fulfill all those points & conditions, which the signification of the Imperiall ornaments did bind him unto. After this, about 60. years or more, Pope *Gregory* the 5. in a Synod holden in Rome, did by the consent of *Otto* the 3. Emperour & Nephew unto this other *Otto*, appoint a certain form of election for the time to come of the German Emperour, that he should be chosen by 6 Princes of Germany, three Ecclesiastical, which are the Arch-Bishops of *Moguntia*, *Colen*, & *Treves*; and 3 temporall Lords, *Blend. de cad. 2. l. 3. Crant. l. 4. cap. 25.* Duke of *Saxony*, the County Palatine of *Rhene*, & the Marques of *Brandenburg*, & when those six voyces should happen to be equally divided, then that the Duke of *Bohemia* (for then it was no kingdom) should have place also to determine the election. All which was determined in the year of Christ 996. in Rome, and approved afterward by all the Princes of Germany, & allowed by all other Christian Princes & States of the world, & so endureth unto this day.

And among all other points of this his Coronation, and his Oath, to be taken for his well government, was & is most exactly set downe, and recorded by many Historiographers of that time, and since. But I shall allledge them only out of *John Sleydan*, as the most convenient Author for this our time and purpose, *Sleyd. l. 1. Hist. An. 1519.*

First of all, after any man is chosen Emperour, he is to be called only *Cesar*, & the King of the Romans, & not Emperour, untill hee be crowned, and the conditions which he sweareth unto presently after his election, *Are to defend the Christian and Catholique Religion, to defend the Pope and Church of Rome whose advocate he is, to minister iustice equally to all, to follow peace, to keepe and observe all Lawes Rights and Priviledges of the Empyre, not to alienate or engage the possessions of the Empyre, to condemn no man without hearing his cause, but to suffer the course of law to have his place, in all and whatsoever he shall doe otherwise, that it be void and of no Validitie at all.*

Unto all these Articles, he sweareth first by his Legates, & then he giveth a Copy of his Oath in writing to every one of the six Electors, and after this he goeth to the City of *Abnis-gran* to be crowned in the great Church, where about the middle of the Masse, the Arch-Bishop of *Colen* goeth unto him in the presence of all the people, and asketh, whether he be ready to sweare and promise to observe the Catholick Religion, defend the Church, Minister Iustice, protect the Widows and Fatherlesse, and yeeld dutifull honour and obedience to the Pope of

(32)

Remewherunto he answering that he is ready to do all this, the Archbishop leadeth him to the high Altar, where he sweareth in expresse words all these Articles, which being done, the said Arch-bishop turning himselfe to the Princes of the Empire, & people there present, doth ask them, whether they be content to swear obedience & fealty unto him, who answering yea, he is anointed by the said Arch bishop before the Altar, & then do come the other two Archbishops of *Mogunna* & *Treuer*, & do lead him into the Vestery, where certain Deacons are ready to apparel him in his Robes, and do set him in a Chair, upon whom the Archbishop of Colen doth say certain prayers, & then delivereth him a sword drawn, & putteth a Ring upon his finger & giveth him a Scepter in his hand, & then all the three Arch-bishops together, do put on the Crown upon his head, & leading him so crowned and apparelled to the high Altar again, he sweareth the second time, That he will do the part of a good Christian & Catholike Emperor. Which being ended he is brought back, & placed in the Imperiall seat and throne, where all the Princes of the Empire do swear obedience & faith unto him, beginning with the three Arch-Bishops, & continuing on with the three other Electors, and so all the rest in order, which is a notable & magesticall manner of admitting & authorizing of a Prince as you see, & it is to be marked among other things that the Emperor sweareth three times, once by his deputies, and twice by himselfe before his subjects, & swear twice unto him. And yet will Malignants needs have subjects only bound to their Princes, & the Prince nothing at all bound to them again.

In *Polonia*, which being first a Dukedom was made a kingdom about the same time that this form of electing of the German Emperor was prescribed the manner of Coronation of their kings, is in substance the very same, that we have declared to be of the Emperor. For first of all, the Archbishop of *Gnesse* Metropolitan of all *Polonia*, cometh to the king, standing before the high Altar, & saith unto him these words. Whereas you are right noble Prince to receive at our hands this day, who are (though unworthily) in place of Christ for execution of this function; the sacred anointing, & other Ceremonies, Ensigns, & Ornaments appertaining to the Kings of this Land, it shall be well that we admonish you in a few words, what the charge importeth which ate to take upon you, &c. *Alex Guaginterum Polon. Tom. I. & Oriche in Chimar. folio. and 106.*

Thus he beginneth, and after this he declareth unto him for what end he is made king, what the obligation of that place and dignity bindeth him unto, and unto what points he must swear, what do signifie the sword, the Ring, the Scepter, and the Crown, that he is to receive, and at the delivery of each of these things he maketh both a short exhortation unto him, and prayer unto God for him. And the kings Oath in these words. *Promitto coram Deo & angelis ejus*, I do promise and swear before God and his Angels, that I will do Law and Justice to all, and keepe the peace of Christ his Church, and the union of his catholick Faith, and will do and cause to be done, due and canonicall honour unto the Bishops of this Land, and to the rest of the Clergy, and if (which God forbid) should
break

break my Oath, I am content that the Inhabitants of this Kingdom shall owe no duty or obedience unto me in God shall help me, and Gods holy Gospels. Bodin. de rep. l. 2. c. 9.

After this oath made by the king, & received by the subjects, the Lord Mar-
tiall Generall of the whole kingdom, doth ask of a loud voyce of all the No-
bility, Councillours, & people there present, whether they be content to sub-
mit themselves unto this king, or no, who answering yea, the Archbishop doth
end the residue of the Ceremonies, and doth place him in the royal Throne
where all his Subjects do homage unto him; and this for *Polonia*.

In Spain I do find, that the manner of admitting their kings was different,
& not the same before & after the destruction thereof by the Moors, but yet
that in both times their Kings did swear in effect the self-same points which
before have been mentioned in other kingdoms. For first, before the entering
of the Moores, when Spaine remained yet one generall Monarchy under the
Goths, it is recorded in the fourth National Council of *Toledo*, which was
holden, an. 633 according to *Amb. Mor.* the most learned & diligent Histori-
ographer of Spain, *Amb. Mor. l. 11. c. 17. hist. Hisp. Prasae. ejusdem conc.* (though
others do appoint it some few yeers after) in this Council (I say) it is said, that
their new king *Sissinandus* who had expelled *Swinsila* their former king for his
evill government.)

This k. *Sissinandus*, I say coming into the said Council in the 3. yeers of his
reign, accompanied with a most magnificent number of Nobles, that wayted
on him, did fall down prostrate upon the ground, before the Arch-bishops &
Bishops there gathered together, which were 70, in number, & desired them
with tears to pray for him, & to determine in that Council, that which should
be needfull & most convenient both for maintaining of Gods Religion, and
also for upholding & prospering the whole Common wealth: whereupon,
those Fathers after matters of Religion, and Reformation of manners, which
they handled in 73. Chapters. In the end & last Chapter, they come to handle
matters of Estate also, *Concill. Toll. 4. c. 74.* And first of all, they do confirme the
deposition of king *Suentila*, together with his Wife, Brother, and Children, &
all for his great wickedness, which in the Council is recounted, & they doe
deprive them not only of a little to the Crown, but also of all other goods, &
possessions, moveables & immoveables, saving only that which the new kings
mercy should bestow upon them, & in this Council was present and subscri-
bed first of all others, *Isidorus* Arch-bishop of Sivil, who writing his History
of Spain, dedicated the same unto this king *Sissinandus*, *Amb. Mor. l. 11. c. 17.*
& speaketh infinite good in the same, of the vertues of king *Suentila* that was
now deposed and condemned in this said Council; whereby it is to be presu-
med, that he had changed much in his life afterward, and became so wicked a
man, as here is reported.

After this, the Council confirmeth the Title of *Sissinandus*, and maketh de-
crees for the defence thereof; but yet insinuateth what points hee was bound
unto, and whereunto he had sworn, when they said unto him. *Te quoq; presen-*

nos regem ac futurum statum sequentium principes, &c. We do require you, that are our present king, and all other our Princes that shall follow hereafter, with the humility which is convenient, that you be meeke & moderate toward your subjects, & that you govern your people in justice & piety, & that none of you do give sentence alone against any man in cause of life & death, but with the consent of your publique Council, & with those that be Governors in matters of judgment. And against all Kings that are to come, wee doe promulgate this sentence, That if any of them shall against the reverence of our Laws, exercise cruell authority with proud domination, & kingly pompe, only following their own concupiscence in wickednesse, that they are condemned by Christ, with the sentence of excommunication, & have their separation both from him and us to everlasting judgment.

But in the next 2 years, after the end of this Council, king *Sissinandus* being now dead, & one *Chintilla* made king in his place, there were other two Councils gathered in *Toledo*; the 1. whereof was but provincial, & the second National, & they are named by the names of the 5. & 6. Councils of *Toledo*, *Ambros. Moral. l. 11. c. 23, & 24*, In the which Councils, according to the manner of the Gothes (who being once converted from the Arian Heresie, were very Catholike and devout ever after, and governed themselves most by their Clergy) and not only matters of Religion were handled, but also of State & of the Common-wealth, *concil. 5. cap. 2, 3, 4, 5. & conc. 6. c. 16, 17, 18*. especially about the succession to the crown, safety of the Prince, provision for his children, friends, Officers, and Favourites after his death, & against such as without election or approbation of the Common wealth, did aspire to the same; all these points I say were determined in these Councils, and among other points a very severe decree was made in the 6. Council concerning the kings oath at his admission in these words, *Consonan uno corde & ore promulgamus Deo placituram sententiam, Con. T d 6. c. 3.* We do promulgate with one heart and mouth this sentence agreeable and pleasing unto God and do decree the same with the consent and deliberation of the Nobles and Peers of this Realm, that whosoever in time to come shall be advanced to the honour and preferment of this kingdome, he shall not be placed in the Royal Seat, until among other conditions he hath promised by the Sacrament of an Oath, that hee will suffer no man to break the Catholike Faith, &c.

By which words especially (among other conditions) is made evident, that these Princes sweare not only to keepe the Faith, but also such other conditions of good Government, as were before touched in the 4. Council, & these things were determined while their king *Chintilla* was present in *Toledo*, as *Amb. Moral. l. 11. c. 23*. The destruction of Spain. Before the entrance of the Moors, & before the dividing thereof into many kingdoms, which hapned about a hundred years after this, to wit in the year of our Saviour, 713. and 714.

But after the Moors had gained all Spaine, and divided it between them into divers kingdomes, *Ambros. Moral. l. 13. c. 1. and 2. de la Chron. de Esp.* yet

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God provided that within 4 or 5 yeeres the Christians that were left & fled to the Mountains of Asturias & Biscay, found a certaine young Prince, named *Don Pelayo* of the ancient blood of the Gotish kings, who was also fled thither, & miraculously saved from the enemies, whom they chose straight ways to be their King, & he began presently the recovery of Spain, & was called first king of Asturias, & afterward of Leon, & after his successours got to be king of *Castilia*, & then of *Toledo*, & then of *Aragon*, *Barcelona*, *Valencia*, *Murcia*, *Cartagena*, *Iaen*, *Cortuba*, *Granado*, *Civil*, *Portugal*, & *Navarra*, all which were different kingdoms at that time so made by the Moors.

And all these kingdoms were gained again by little & little, in more then 700 yeeres space, which were lost in lesse then two yeers, & they never came againe indeed into one Monarchy, as they were under *Don Rodrigo*, their last king that lost the whole, untill the year of our Lord, 1582. when *Don Philip* king of Spain re-united again unto that Crown the kingdom of *Portugal* which was the last piece that remained separated, and this was almost 900. yeeres after Spain was first lost.

But now to our purpose, the Chronicler of Spain named *Ambrosio Morales* doth record in his Chronicle a certain law, written in the Gotish tongue, & left since the time of this *Don Pelayo*, the 1. King after the universal destruction of Spain, & the title of the Law is this *Como se an arlevantar Rey en España, y como el ha de jurar los fueros*, *Ambros. Moral. l. 13. c. 2.* that is to say, how men must make their King in Spain, and how he must swear to the privileges and liberties of that Nation: & then he putteth the Articles of the Law, whereof the first saith thus. before all things it is established for a law, liberty, and privilege of Spayne, that the King is to be placed by voices and consent perpetually, and this is the intent that no evill King may enter without consent of the people seeing they are to give to him, that which with their blood and labours they have gained of the *Mores* *Lucas* Episcop. Tuyen. in histor. Hispan. Loudou, de molin. lib. de hered. Thus far goeth this first Article, which is the more to be marked, for that divers and these most ancient Spanish Authors do say, that from this *Don Pelayo* the succession of kings succeeded ever by propinquity of blood, and yet we see that election was joyned there withall in expresse terms.

The second part of the Law containeth the manner of Ceremonies used in those old dayes at the admission of their kings, which is expressed in these words. Let this KING be chosen and admitted in the Metropolitan City of this Kingdom, or at least wise in some Cathedral Church, and the night before hee is exalted, let him watch all night in the Church, and the next day let him here masse, & let him offer at Masse a peece of Scarlet, and some of his own money, and after let him communicate, and when they come to life him up, let him step upon a buckler or target and let the cheife and principall men there present hold the Target. & so lifting him up let them & the people cry three times, as hard as they can, *Real, Real, Real*. Then let the King command some of his own money, to be cast among the people, to the quantitie of a hundred shillings, and so the end he may give all men to understand, that no man now is above him, let himselfe 170

on his own Sword in the form of a Crosse, and let no Knight or other man, beare a Swor. & that day, but only the King.

This was the old fashion of making Kings in *Spayne*, which in effect and substance remaineth still, though the manner thereof be somewhat altered; for that the *Spanish* Kings be not crowned, but have another ceremony for their admission equal to Coronation, which is performed by the Arch-Bishop of *Toled*, Primate of all *Spayne*, as the other Coronations before mentioned are by the Arch-Bishop of *Moguntia* to the Emperour, and by the Arch-Bishop of *Gnesna*, to the King of *Polonia*, and by the Arch-Bishop of *Praga*, to the King of *Bohemia*, & by the Arch-Bishop of *Praga* to the King of *Portuga*, as was by the Arch-Bishop of *Canterbury*, to the King of *England*, and by the Arch-Bishop of *Rhemes* to the King of *France*, of which Realm of *France* we may not omit to say somewhat in particular, seeing it is so goodly a Kingdom, and so near to *England*, not onely in Situation, but also in Lawes, manners, and Customs, & as the race of *English* Kings have come from them in divers manners, since the conquest, so may it be also supposed that the principall Ceremonies and circumstances of this action of Coronation, hath been received in like manner from them.

First then touching the act of Coronation, and admission of the King of *France*, even as before I have said of *Spayne*, so also in this Kingdom do I find two manners of that action, the one more ancient which the *French* do say, hath indured in substance from their first Christian King, named *Clodovens*, unto this day, which is nigh Twelve hundred years; for that *Clodovens* was Christened the year of our Lord 490. in the City of *Rhemes* by *Remigius*, Bishop of that City, and Anointed also, and Crowned King by the same Bishop, which manner and order of Anointing, and Coronation endured after, for about six hundred years, unto the time of *Henry* the first, and King *Phillip* the first his sonne, both Kings of *France*. At what time (which is about 500. years agoe) both the Chroniclers, & Cosmographers of *France* do testifie, that there was a peculiar book in the library of the Church of *Bevaux*, containing the particuler order of this Action. *Belfor. l. 3. c. 20. Thuvet, cosmograph. univers. l. 15. c. 3. Papir. mas, annal. l. 3. pag. 2. 15.* which had endured from *Clodovens* unto that time. Which order, for so much as toucheth the solemnity of Officers in the Coronation, and other like circumstances, was far different at that time, from that which is now; for that in those dayes there were no Peers of *France*, appointed to assist the same Coronation, which now are the chiefe, & the greatest part of that solemnity. Yea *Girard du Hailan* Secretary of *France*, in his 3. book of the affaires, and state of that Kingdom saith, that the Cerimonies of crowning their old Kings were much after the fashion which I noted a litle before, out of the law of *Don Pelayo* first King of *Spayne*, after the *Moors*; for that they were lifted up and carried about upon a Target by the chiefe subjects there present, as the *Spaniards* were,

But as touching the principall point of that action which is the substance of admitting the King unto his royall Authority, and oath by him made of Govern-

Governing well and iustly, and of the reciprocall Oath of obedience made to him againe by his Subjects, it was not much different from that which now is, as shall appeare by the Coronation of the foresaid *Phillip* the first, who was Crowned in the life and presence of his Father, King *Henry*, after the Fashion then used in the yeare of Christ, 1059, and it was in manner following as *Nangis*, and *Tillet*, both authors of great authority among the French, do recount it, and *Frances Belforest*, out of them both repeateth the same at large, in these words following *Frances Belforest*. *hyst. Fran. lib. 3. c. 10. in vita Philip 1* King *Henry* the first of this name, seeing himselfe veryould and feeble made an assembly of all the states of *France* in the City of *Paris*, in the yeare of Christ 1059. where bringing in his sonne, and heire *Phillip* that was but 9. yeares of age, before them all, he said as followeth. The speech of the Father.

Hetherto my deare friends, and subjects, I have bin the head of your Nobility and men at armes, but now mine age and disposition of body, I do well-perceive, that ere it be long I must be sperated from you, and therefore I desire you that if ever you have loved me, you shew it now in giving your consent and approbation that this my sonne may be admitted for your king, and appaialed with the Royall ornaments of this Crowne of *France* and that you will sweare fealtie unto him, and do him homage.

Thus said the King, and then having asked every one of the assistance in particular for his consent a part and afterwards the whole assembly ingenerall, whesh-r they would sweare obedience to him or no, and finding all to promise with a good will he passed over the feast of the assention with great joy in *Paris*, and after went to *Rhemes* with all the Court and Train, to celebrate the Coronation upon the feast of Whitsunday.

Thus far are the words of *William de Nangis* alleadged in the story of *France* by *Belforest*, and it is to be noted first how the king did request the nobility and people to admit his Sonne, and secondly how he did aske their consents a part, for that these two points do evidently confirm that, which I said at the begining, that only succession is not sufficient, but that Coronation ever requireth a new consent, which also includeth a certain election new approbation of the Subjects.

This proved also most manifestly by the very order of Coronation which ensueth in *Belforest*, taken word for word out of *Tillet*, in his Treatise of Records, in the Chapter of anointing the kings of *France* in these words.

In the yeare of grace 1059. and 32. of the Reign of king *Henry* the first of this name of *France*, and in the 4. yeare of the seat and Bishoprick of *Ger-van*, Archbishop of *Rhemes*, & in the 23. day of May, being Whitsunday, King *Philip* the 1. was anointed by the said Archbishop in the great Church of *Rhemes*, before the Altar of our Lady, with the Order and Ceremony that ensueth.

The Masse being begun, when it came to the reading of the Epistle, the said Lord Archbishop turning about to *Phil.* the Pr. that was there present, declared unto him what was the Catholick Faith, & asked him whether he did believe it,

it, and whether he would defend it against all persons whatsoever, who affirming that he would, his Oath was brought unto him, whereunto he must swear, which he took and read with a loud voyce, and signed it with his own hand, and the words of the Oath were these.

Je Philippe par la grace de Dieu prechain d'estre ordonne Roy de France, promeis au jour de mon sacre devant Dieu & ses sanctes, &c. that is in English (for I will not repeat all the oath in French, seeing it is somewhat long) *The Oath of the King of France.* I Philip by the grace of God, next to be ordained King of France, doe promise in this day of my anointing, before Almighty God & all his Saints, that will conserve unto you that are Ecclesiasticall Prelates, all canonicall priviledges, & all law & justice due unto every one of you, and I will defend you by the helpe of God so much as shall lye in my power, and as every King ought to do, and as by right and equity he is bound to defend every Bishop and Church to him committed within his Realme; and furthermore I shall administer Justice unto all people given me in charge, and shall preserve unto them the defence of Lawes and equity appertaining unto them, (so far forth as shall lye in my authority, so God shall helpe me and his holy Evangelists.

This oath was read by the King, holding his hands between the hands of the Arch-Bishop of Rhemes, and the Bishop of Syon and Bisanson, legats of the Pope standing by with a very great number of other Bishops of the realme, and the said Arch-Bishop taking the Crosse of Remigius in his hands, he shewed first unto all the audience, the ancient authority which the Archbishops of Rhemes had even from the time of Remigius that baptized there first Christian King Clodoveus, to anoint and Crown the Kings of France, which he said was confirmed unto them by priviledge of the Pope Hormisdas that lived in the yeare of Christ 516. Belfor. l. 3. cap. 20. and after also by Pope Victor, and this being done, he then (by licence first asked of King Henry the Father there present) did chuse Philip for King. Il eurent le dit Philippe son fils, & pour Roy de France, which is word for word, the Arch-Bishop chose the said Philip King Henries Sonne, in and for King of France; which the legates of the Pope presently confirmed, and all the Bishops, Abbots, and Clergy, with the Nobility and people in their order, did the like; crying out three times in these words. Nous le approuvons, nous le voulons, soit fait nostre Roy, that is, We approve his election, we will have him, let him be made our King, and presently was song, Te Deum laudamus in the quire, and the rest of the Ceremonies of anointing and Coronation were done, according to the ancient order of this solemnity, used in the time of King Philips predecessors Kings of France.

Thus far do French stories recount the old & ancient manner of anointing and crowning their kings of France, which had endured as I have said, for almost 600. yeeres, that is to say, from Clodoveus unto king Philip the first, who was crowned in France 7 yeeres before our William Conquerour (who also was present at this Coronation, and had the third place among the temporal Princes as Duke of Normandy entered into England; but after this time the manner and Ceremonies was somewhat altered, and made more Majestical in outward shew, and this especially by king Lewis surnamed the young. Ne-
phew

phew to the foresaid King *Philip*, who leaving the substance of the action as it was before, caused divers externall additions of honour and Majesty, to be adjoynd thereunto especially for the Coronation of his sonne *Philip* the second surnamed *Augustus*, whom he caused also to be crowned in his dayes, as his Grand-father *Philip* had been, and as himselfe had been also in his Fathers dayes.

This man among other Royall Ceremonies, ordained the offices of the twelve Peers of *France*, 6. Ecclesiasticall, and 6. temporall, who are they which ever since have had the chiefe places and offices in this great action, for that the foresaid Arch-Bishop of *Rhemes*, intituled also D. of *Rhemes*, hath the first and highest place of all others, and anointeth and Crowneth the King. The Bishop and Duke of *Laon* beareth the glasse of sacred Oyle, the Bishop and Duke of *Langres*, the Crosse: The Bishop and Earle of *Bevais*, the mantle Royall, the Bishop and Earle of *Noyon*, the Kings girdle; and last of all, the Bishop and Earle of *Chalons*, doth cary the ring, and these are the 6. Ecclesiasticall Peers of *France* with their offices in the Coronation.

The temporall Peers are the Duke of *Burgundy*, Deane of the Order, who in this day of Coronation holdeth the Crown, the Dukes of *Gasconie* and *Guien* the first banner quartered, the Duke of *Normandy*, the second banner quartered, the Earle of *Tolos*, the golden Spurs, the Earle of *Champanie*, the banner-Royall, or Standard of Warre, and the Earle of *Flanders* the Sword Royall, so as there are 3. Dukes and 3. Earls, one of both ranks of Spirituall and Temporall Lords; and as *Gidard* noteth, the K. is apparelled on this day 3. times, and in 3. severall sorts: The first as a Priest, *Girard*, the second as a King, Warriour, the third as a Judge, *du hallan, li. 3. de Pestat.* page 240. 242. and 258. And finally he saith, that this solempnity of Annoynting and Crowning the Kings of *France*, is the most magnificent, gorgious, & Majestick thing that may be seene in the world; for which hee referreth us not only to the particular Coronations of these two ancient Kings *Philips*, the first and second, but also to the Coronation of *Henry* the second.

But to say a word or two more of *Philip Augustus* before I passe any further, which happened in the yeare 1179. and in the 25. of the Reigne of our King *Henry* the 2^d. of *England*, who as the *French* stories say, was present also at this Coronation, & had his ranke among the Peers as Duke of *Normandy*, and held the Kings Crowne in his hand, and one of his Sonnes had his ranke also as Duke of *Gasconie*, and the forme used in this Coronation, was the very same which was used at this day in the admission of the Kings of *France*, in recounting whereof, I will let passe all the particular Ceremonies, which are largely to be read in *Francis Belforest*, in the place before mentioned, and I will repeate only the Kings Oath, which the said author recounteth in these words.

The Arch-Bishop of *Rhemes* being vested in his pontificall attire, and cometo the Alter to begin Masse (where the King also was upon a high-seate placed) hee turned to him and said these words in the name of all the Clergie and Churches of *France*, Sir, that which wee require at your hands this day, is, that you promise unto us, that you will keep all canonick priviledges, Law and Justice, due to be kept and defended as a good King is bound to doe in his Realme, and to every Bishop and Church to him committed, whereunto the King answered, I doe promise and avow to every one of you, and to every Church to you committed, that I will keepe and maintaine all canonick priviledges, Law, and Justice due to every man to the uttermost of my power, and by Gods helpe shall defend you

as a good King is bound to doe, in his Realm. This being done, the King did swear & make his Oath, laying his hands upon the Gospel in these words following. *An nom de Jesus Christ, je Jure & promets au peuple Christian a moy sujet ces choses, &c.* Which is in English: In the name of Jesus Christ I doe swear and promise to all Christian people subject unto me these points ensuing: First, To procure that all my Subjects be kept in the union of the Church, and I will defend them from all excesse, rapine, extortion, and iniquity. Secondly, I will take order, that in all judgments justice shall be kept with equity and mercie, so the end that God of his mercie may conserve unto me with my people, his holy grace and mercie. Thirdly, I shall endeavour as much as possibly shall lie in me, to chase and drive out of all my Realms and all my Dominions, all such as the Church hath, or shall declare for Hereticks, at God shall helpe me, and his holy Gospels. Thus sweareth the King, and then kisseth the Gospels, and immediately is sung, *Te deum laudamus*, and after that are said many particular prayers by the Arch-Bishop, and then is the King vested, and the Ring, Scepter, Crowne, and other Kingly Ornaments and Ensignes are brought and put upon him, with Declaration first what they signifie, and then particular prayers are made to God, that their signification may be by the King fulfilled.

And after all ended, the Arch-Bishop, with the Bishops, do bleffe him, and say these words unto him. „ God which reigneth in Heaven, and governeth all Kingdomes, „ bleffe you, &c. Be you stable and constant, and hold your place and right, from „ henceforth, which here is committed and laid upon you by the authority of Al- „ mighty God, and by this present tradition and delivery which we the Bishops and „ other Servants of God doe make unto you of the same, and remember you in place „ convenient, to bear so much more respect and reverence unto the Clergy, by how „ much nearer then other men you have seene them to approach to Gods Altar, to „ the end that Jesus Christ, Mediatour of God and man, may confirm and maintaine „ you by the Clergy and people, in this your Royall Seate and Throne; who being „ Lord of Lords, and King of Kings, make you reign with him and his Father, in the „ life and glory everlasting.

Thus saith the Arch-Bishop unto him, and after this he is led by him and the other Peers, unto the seat Royall, where the Crowne is put upon his head, and many other large Ceremonies used, which may be read in the Author aforesaid, and are too long for this place. And yet I have been the larger in this matter of *France*; for that I do not think it to be improbable, which this Author and others do note, to wit, that most Nations round about, have taken their particular formes of Anointing and Crowning their Kings, from this ancient Custome of *France*, though the substance thereof, I meane of their sacring and Anointing, be deduced from examples of far more antiquity, to wit, from the very first Kings among the people of *Israel*, 1 *Reg.* 10. and 16. 2 *Reg.* 2. whom God caused to be anointed by his Priests and Prophets, in token of his election, and as a singular priviledge of honour and preheminance unto them, whereof King *David* made so great accompt, when he said to the Souldier that had killed *Saul* his enemy in the war, 2 *Reg.* 1. *quare non timuisti misere manum tuam in Christum Domini*, Why diddest thou not feare to lay thy hands upon the Anointed of God; & he put him to death for it, notwithstanding *Saul* had been long before deposed, and rejected by God, and that himselfe had lawfully borne Armes against him for many dayes; so much was that ceremony of Anointing esteemed in those days, and so hath it been ever since among Christian people also, for that Kings hereby are made

made sacred, and doe not only participate with Priests, but also with Christ himselfe who hath his name of this circumstance of Anointing as all the world knoweth.

Probable then I say it is, that albeit the substance of this ceremony of Anoynting Kings, be much elder than the Christian Kingdom of *France*. yet is this particular rule and majesticall manner of doing the same by way of Coronation, the most ancient in *France* above all other Kingdomes round about, especially if it began with their first Christian K. *Clodovious*, not full 500. yeares after Christ, as *French* Authors doe hold. At what time also they recount a great miracle of holy Oyle sent downe from Heaven by an Angel for Anointing *Clodovious*, whereof they say they have still remaining for the Anointing of their Kings at *Rhemes*, which point I will not stand to treat or discourse in this place, but rather will refer my reader to the foresaid Chapter of *Francis Belforest* Chronicler of *France*, *Belfor. l. 3. Cap. 17.* who alleadgeth divers writers of almost 500. yeares antiquity that write of the same: but howsoever that be, very probable it seemeth, that all the ceremonies of Coronation in *Germany* and *Polonia* before recited (which had their beginning long after the reign of *Clodovious*) might be taken from thence, and so the affinity and likenesse of one to the other doth seem to agree; and *Garibay* also, the Chronicler of *Spaine* and *Navarra*, in his 22. booke *Estevan Garibay, lib. 22. c. 1.* talking of this custome of anoynting and Crowning the Kings of *Navarra*, saith, that this excellent custome began there (I meane in *Navarra*) above 800. yeares past, and was qrought in by certain Earls of *Champaign* of *France*, named *Theobaldes*, who comming to attain that Crown, brought with them that reverent ceremony of Anointing and Crowning their Kings, according to the use of the *French*, which custome endureth untill this day in that part of *Navarra* that is under the house of *Vandome*, albeit in the other that is under the *Spaniards* (which is far the greater) it was left off in the yeare 1513. when *Ferdinando* surnamed the Catholique King of *Spaine* entered thereupon, for the *Spanish* Kings are never Anointed nor Crowned, but otherwise admitted by the Common-wealth.

But amongst all other Kingdomes, it seemeth that *England* hath most particularly taken this custome & ceremonie from *France*, not only for the reason before alleadged, that divers of our *English* Kings have come out of *France*, as *William* the Conquerour, borne in *Normandy*, King *Stephen* sonne to the Earle of *Blois*, and *Bolen* a *Frenchman*, and King *Henry* the Second borne likewise in *France*, and sonne to the Earle of *Anjou*: but also for that in very deed, the thing it selfe is all one in both Nations; and albeit I have not seen any particular Booke of this action in *England*, as in *French* there is: yet it is easie to gather by stories, what is used in *England* about this affaire.

For first of all, that the Arch-Bishop of *Canterbury* did ordinarily doe this ceremony in *England*, as the Arch-Bishop of *Rhemes* doth it in *France*, there is no doubt, and with the same solemnity and honour, according to the condition and state of our Conntrey, and *Polidor Virgil* in his story, *Polid. lib. 13. Hist. Angli. in vita Henrici.* noteth that Pope *Alexander* did interdict and suspend the Arch-Bishop of *Yorke*, with his two assistants, the Bishops of *London* and *Salisbury*, for that in the absence of *Thomas Becket* Arch-Bishop of *Canterbury*, and without his license, they did Crowne King *Henry* the seconds Sonne, named also *Henry*; at his Fathers perswasion, and divers doe attribute the unfortunate successe of the said King *Henry* the younger that rebelled against his Father, to this disorderly and violent coronation by his Fathers

appointment. Secondly, that the first thing which the said Arch-Bishop requireth at the new Kings hands at his Coronation, is about Religion, Church-matters, and the Clergy (as in France we have seen) it appeareth evidently by these words which the same Arch-Bishop Thomas (surnamed commonly the martyr) remaining in banishment, wrote to the same King Henry the second, which are these. *Memores sitis confessionis quam fecistis & posuistis super altare apud Westmonasterium de servanda Ecclesia libertate, quando consecrati fuistis, & uncti in regem a predecessore nostro Thebaldo. Iuvitis D. Thom. Cantuar. apud surium in mense Decembris.* Which is, do you call to your remembrance, the confession, which you made and laid upon the Altar at Westminster, for keeping and defending the liberty of the Church, when you were consecrated and annointed King by Thebaldo our Predecessor. By which words appeareth, that as the King of England was consecrated and annointed in those dayes by the Arch-Bishop of Canterbury, so did he sweare and give up his Oath also in writing, and for more solemnity and obligation, laid it down, or rather offered it up with his owne hands upon the Altar: so much as was required of him by the said Arch-Bishop & Clergy, for the speciall safety of Religion, and these Ecclesiasticall liberties, which is the selfe same point that we have seene before, as well in the Oath of the Kings of France, as also of Polonia and Spain, and of the Emperours both Grecian and German.

The very like admonition in effect I finde made by another Thomas Arch-Bishop of Canterbury, to another King Henry, to wit, by Thomas Arundell, to King Henry the fourth, when in a Parliament holden at Coventry, in the yeare 1404. the King was tempted by certain temporall men, to take away the Temporalities from the Clergy; whereunto when the said Arch-Bishop Thomas had answered by divers reasons, at last turning to the King, he besought him [saith Stow, in vita Henrici 4.] to remember the Oath which he voluntarily made, that hee would honour and defend the Church and Ministers thereof. Wherefore hee desired him to permit and suffer the Church to enjoy the priviledges & liberties, which in the time of his Predecessors it did enjoy, and to fear that King which reigneth in Heaven, and by whom all other Kings doe reigne; moreover he desired him to consider his promise also to all the Realm; which was, that he would preserve unto every man their right and title, so far as in him lay. By which speech of the Arch-Bishop, the King was so far moved, as he would heare no more of that Bill of the Laity, but said that he would leave the Church in as good estate, or better, than he found it, and so hee did: but yet hereby wee come to learn, what Oath the Kings of England doe make at their Coronations touching the Church and Clergy.

The other conditions also of good government, are partly touched in the speech of the Arch-Bishop, Holinsb. in his Cro. page 476. and 1005. and much more expressely set down in the King of Englands Oath, recorded by ancient Writers, for that hee sweareth, as both Holinshead and others do to testifie, in their English stories, in these very words, to wit.

That he will during his life, bear reverence and honour unto Almighty God, and to his Catholique Church, and unto his Ministers, and that he will administer law and justice equall to all, and take away all unjust Lawes.

Which after hee had sworne, laying his hands upon the Gospel: then doth the Arch-Bishop [turning about to the people] declare what the King hath promised and sworne, and by the mouth of a Herald at armes asketh their consents, whether they

be content to submit themselves unto this man as unto their King, or no, under the conditions proposed, whereunto when they have yielded themselves; Then beginneth the Arch-Bishop to put upon him the regall Ornaments, as the Sword, the Ring, the Scepter, and Crown, as before in the *French* Coronation you have heard, and namely hee gives him the Scepter of *Edward the Confessor*, and then hee addeth also the same words of Commission and exhortation as the other doth, to wit; stand, and hold thy place, and keepe thy Oath, and thereunto adjoyneth a great commination or threat, on the behalfe of Almighty God, if he should take upon him that dignity without firme purpose to observe the things which this day he hath sworn: and this is the summe of the *English* Coronation, which you may read also by piece-meale in *John Stow*. *Stow in vita Richardi 2. in fine*, (according as other things in that his brieft collection are set downe) but especially you shall see it in the admissions as well of the said King *Henry the 4th* now last mentioned, as also of *K. Edward the fourth*, at their first entrances to the Crowne; For in the admission of King *Henry*, *Stow* sheweth how the people were demanded thrice whether they were content to admit him for their King, and that the Arch-Bishop of *Canterbury* (who was the same *Thomas Arundell*, of whom wee spake before) did read unto them what this new King was bound by Oath unto, and then hee tooke the Ring, wherewith hee was to wedd him to the Common-wealth, (which Wedding importeth as you know, an Oath and mutuall obligation on both sides in every marriage.) And the Earle of *Northumberland*, High Constable of *England*, for that day, was willing to shew the said Ring to the people, that they might thereby see the bond whereby the K. was bound unto them. And then it was put upon his finger, and the King kissed the Constable in signe of acceptance, fell on his knees also to prayer, that he might observe his promise; and other like Ceremonies, saith *Stow*, were used, and this was done *Octob. 13. 1359.* and thefore upon good reason might this same Arch-Bishop put him afterward in mind of this his Oath, as before I have shewed that he did.

At the admission also of King *Edward the fourth*, First, the peoples consent was demanded very solemnely in *Johns* field by *London*, the 29. of *Febr.* in the year 1460. notwithstanding that King *Edward* had proved his Title by succession before, in the Parliament holden at *Westminster*. And now this consent of the people being had, (or he being thus elected, as *Stowes* words are) he went the next day in procession at *Pauls*, and offered there; and after *Te Deum* being sung, he was with great royalty conveyed to *Westminster*, and there in the Hall set in the Kings seat, with *Edwards* Scepter in his hand, and then the people were asked againe if they would have him King, and they cryed yea, yea.

And if any would take exception against these of *K. Henry*, and *K. Edward the 4th*. because they entered and began their Reigns upon the deprivation of other Kings then living, that are yet many living in *England* that have seen the severall Coronations of *K. Edward the 6. Q. Mary, Q. Elizabeth, K. James, K. Charles*, and can witnesse that all and every of their Coronations, the consent of the people, and their acceptation of those Princes is not only demanded by the publique cry of a *Harold* at *Armes*, which standeth on both sides of the high Scaffold, or Stage, whereon the Prince is Crowned, and the peoples answer expected, till they cry yea, yea: but also that the said Princes gave there their corporall Oath upon the Evangelists unto the Bishop that Crowned them, to uphold & maintaine in the faith afore-named, with the Liberties and

Priviledges of the Church, as also to govern by justice and law as hath been said : which oaths no doubt have been sworn and taken most solemnly by all the Kings and Queens of England, from the dayes of King Edward the Confessor at the least, and he that will see more points of these oaths set downe in particular, let him read *Magna Charta*, and he will be satisfied.

By all which, and by infinite more that might be said and alleadged in this matter, and to this purpose it is most evident, that this agreement, bargain, and contract between the King and his Common-wealth, at his first admission, is as certain and firme (notwithstanding any pretence or interest he hath, or may have by succession) as any contract or marriage in the world can be, when it is solemnized by words *de presenti* [as our law speaketh] betweene parties espoused before by words *de futuro*, which is an act that expresth this other most lively, and consequently I must needs affirme it to be most absurd, base, and impious. *That only succession of blood, is the thing without further approbation, which maketh a King, and that the peoples consent to him, that is next by birth, is nothing at all needfull, be he what he will, and that his admission, inauguration, or Coronation is only a matter of externall Ceremony, without any effect at all, for encrease or confirmation of his right.* These (I say) are unlearned, fond, and wicked assertions, in flattery of Princes, to the manifest ruine of Common-wealths, and perverting of all law, order, and reason.

The sixth Speech

CONCERNING the interest of Princes before their Coronation, most of them have not failed to finde as shamelesse flatterers, as themselves were either vain or wicked Princes, and for my part, I am of opinion, that the propositions of *Belloy* did rather hurt and hinder, than profit the Prince; for whom, and in whose favour, he writ them, is the King of *Navarre*, whom hereby he would have admitted to the Crown of *France*, without all consent or admission of the Realm. But I for my part, as I doubt not greatly of his Title by propinquity of blood, according to the Law *Salique*; so on the other side, I am of opinion, that these propositions of *Belloy* in his behalfe, that he should have entred by only title of birth, without condition, consent, or approbation of the Realm, as also without Oath, Anointing, or Coronation, yea of necessity, without restraint or obligation to fulfill any Law, or to observe any priviledges to Church, Chappell, Clergy, or Nobility, or to be checked by the whole Realm, if he rule amisse. These things, I say, are rather to terrifie the people, and set them more against his entrance, than to advance his Title; and therefore in my poore judgement, it was neither wisely written by the one, nor politickly permitted by the other. And to the end you may see what reason I have to give this censure, I shall here set down his own propositions touching this matter, as I find them in his own words. First then he avoucheth, *that all families which enjoy Kingdomes in the world, were placed therein by God only, and that he alone can change the same*, which if he referre to Gods universall providence, *que attingit a fine usque in finem fortiter*, as the Scripture saith, and without which a Sparrow falleth not to the ground, as our Saviour testifieth, *Matth. 6.* no man will deny, but all is from God, either by his ordinance or permission; but if we talk (as we doe) of the next and immediate causes of Empires, Princes, and of their changes; cleare it is, that men also do and may concurre therein, and that God hath left them lawfull authority so to doe, and to dispose thereof, for the publick benefit, as largely before hath been

been declared, and consequently to say, that God onely doth these things, and leaveth nothing to mans judgement therein, is against all reason, use and experience of the world.

The second proposition of Bulloy is, *That where such Princes be once placed in Government, and the Law of Succession by birth established; there the Princes children, or next of kin doe necessarily succeed, by onely birth, without any new choyce or approbation of the people, Nobility, or Clergie, or of the whole Common-wealth together.* Apol. Cathol. part. 1. Parag 7. And to this Assertion he joyns another as strange as this, which is, *That a King never dyeth for that whensoever or howsoever he ceaseth by any meanes to Govern, then entereth the successor, by birth not as heire to the former, but as Lawfull Governour of the Realm, without any admission at all, having his authority onely by the coadition of his birth, and not by adoption or choyce of any.* Apolog. Reg. c. 6. & 34. Which two propositions, albeit they have been sufficiently refuted by that which hath been spoken in the last two chapters going before, yet shall I now again convince more amply the untruth thereof.

Other two propositions he addeth, *Apol. Cathol. part. 2. parag. 7. & pro Reg. c. 9. That a Prince once entred to government, and so placed, as hath been said, is under no Law or restraint at all of his authority, but that himselfe onely is the quick and living Law, and that no limitation can be given unto him by any power under heaven, except it be by his owne will; and that no Nation or Common-wealth can appoint or prescribe how they will obey, or how their Prince shall govern them, but must leave his authority free from all bands of Law, and this either willingly or by violence, is to be procured.* By which words it seemeth that he painteth out a perfect pattern of a tyrannicall government, which how it did further the King of Navarre I do not know.

His other proposition is, *Apolog. pro Rege, cap. 20. That albeit the beir apparent which is next by birth to the Crowne, should be never so impotent, or unfit to govern, as if (for examples sake) he should be deprived of his senses, mad, furious, lunatique, a foole, or the like, or that he should be known on the other side to be most malicious, wicked, vicious, or abominable, or should degenerate into a very beast, yea if it were known that he should goe about to destroy the Common-wealth, and drown the ship which he hath to guide, yet (saith this man) he must be sacred and holy unto us, and admitted without contradiction to his inheritance, which God and Nature hath laid upon him, and his direction, restraint, or punishment, must onely be remitted to God alone; for that no man, or Common-wealth, may reform or restrain him.* Which I doubt not will seem unto your rather belly and base doctrine, than to come from the head of any learned or discreet man, that regardeth the end why Common-wealths, and Kingdomes, and all governments were ordained by God and Nature, and not the flattering or adoring of any one miserable man that shall stand over them to destroy the whole.

But now to the particular matter that we are to treat, which is, what is to be attributed to this succession or propinquity of birth alone, I am of opinion, that albeit there want not reasons on both sides, among learned men, what kinde of providing Governours to Common-wealths is best, either by simple and free election onely, or by succession of birth: my opinion (I say) is, that succession is much to be preferred, not for that it wanteth all difficulties and inconveniences (which all temporall things upon earth have) but like, as before I have shewed, of the particular government of a Monarchy in respect of other formes regiment, to-wit, that is,

wanted

wanted not all, but had fewer inconveniences than their forms of regiment have; so say I also of this, that albeit some inconveniences want not in succession, yet are they commonly farre lesse and fewer, than would follow by meere election, which are subject to great and continuall dangers of ambition, emulation, division, sedition, and contention, which do bring with them evident perill of universall destruction, and desolation of the whole body, and this is at every change of the Prince, which change on the other side is much assured by succession, for that great occasions of strife and contention are thereby cut off.

2. And besides this, the Prince who is in present possession, knowing that his son, or next of kin, is to be his heire, hath more care to leave the Realm in good order, as we see that the husbandman hath to till and manure that ground, which is his own, and to remain to his posterity.

3. A third commodity also there is, for that lesse mutations and alterations are seen in the common-wealth, where succession prevaileth, for that the son following his father, doth commonly retain the same friends, counsellors officers, and servants, which his father had before him: pursueth the same actions and intentions, with the same manner of proceeding for the most part; whereas he that entred by election, being an alien to him that went before him, and never lightly his friend, doth change, alter, and turn upside down all things.

4. Furthermore (which may be also a fourth reason) he that entred by succession, for that he is either born a Prince, or hath been much respected still for his Title to the Crown, bringeth with him lesse passions of hatred, emulation, anger, envy, or revenge against particular men (for that no man durst offend him) then doth he, which onely entred by election; for that he having been a subject, & equal to others before his advancement, and thereby holding contention with many, especially at this election, must needs have matter of quarrell with many, which he will seek eagerly to revenge when he is in authority: as on the other side also, such as were his equals before, will bear him lesse respect, and more unwillingly be under him, than by birth he had been their Sovereigne.

5. These and divers other are the commodities of succession, whereunto we may also adde the preheminece & priviledge of primogeniture, and auncestrie of birth, so much respected & commended by holy writ, not onely in men, but in all other creatures also whose first born were dedicated to God himself. And one notable example among other, occurreth to my mind, of the two sonnes of *Isaac*, of the which two albeit God had ordained to chuse the younger before he was born, as *St. Paul* testifieth, and to reject the elder, that is to say, that *Jacob* should inherit the benediction, and not *Esaú*; yet would God have his younger to procure the said priviledge of Eldership from *Esaú* by divers means, as first by bargain, and after by guile, according to the story we read in *Gen. 15. and 49. Deut. 21. and 15. 2 Paralip. 21. and 3. Exod. 3. and 2. Rom. 9. and 13. Genes. 28. and 27.* Out of which story two points may be pondered much to our purpose. First, that primogeniture, or eldership of birth (as I have said) was greatly respected by God, and according to that, all the discounts and successions of Kings were commonly among that people, for that ordinarily the elder sonne ever succeeded his father in the Crown of *Jury*. And the second point is, that God would shew even in this beginning, that yet this priviledge was not so inviolable, but that upon just causes it might be broken, as it was by this

his choyce of Iacob the yonger and rejecting Elau the Elder, and many times after in matter of government the same was practised by God himselfe, as when Iudah the fourth tribe and not Ruben the 1 and Eldest was appointed by God enjoy the scepter and Crown of the Iewes, as also when King David died not in his first second or third sonne, but his tenth in order, to wit, Solomon who was also the fourth that he had by Bersabe, was appointed for his successor, *Genes. 29* and, *9. Exod. 1. 2. Reg. 5. 1. Paral. 3.*

So that in very deed we have here both our two cases that were propounded in the begining, over ruled and determined by authority and example of holy writ it selfe, namely; and 1 of all, that priority and propinquitie of blood in succession, is greatly to be honored regarded and preferred in all affairs of dignitie and principallity, (which is the second point) are we not so absolutely and peremptorily bound thereunto alwaies, but that upon iust and urgent occasions that Course may be altered and broken.

Which licence or liberty is indeed, the only (or at least wise) the most principall remedy for such inconveniences as before I shewed to be farr lesse and fewer then are wont to follow of bare election alone yet did I confesse also, that some did or might fall out, as namely, that the person who by succession of blood is next, may be unable or unfit, or pernicious to governe, in which cases the remedy is (as before hath been declared) hitherto helpe and assist him by lawe derections and wise counsells, if he be capable thereunto or else to remove him and rake in another of the same blud royal (though further of in degree or propinquity in his place.

And this is and hath ben the Custom & practice of all Kingdoms and Commonwealths from the begining, since succession hath ben established among them, and by this means we come to remedy the difficulties and inconveniences of both kinds of making our Kings & Princes, which are election, and succession; for by succession we do remedy the inconveniences and dangers before mentioned of bare electiō, to wit, of strife, banding, ambition, & the like, and by this other mean, of adding also election, consent, and approbation of the Realme to succession; we remedy the inconveniences of bare succession alone, which inconveniences are principally, that some unsuit impotent or evill Prince may be offered some times to enter by periority of blood; whereof the Reame may deliver it selfe, by this other meanes of not admittine him, so as election by succession, & succession again by election is saved, and the one made a preservative and traicle to the other, and this is the wisdom and high policy left by God and nature, to every Common-Wealth, for their own conservation and maintenance, and every man that is of reason and iudgment, and void of passion will not onely allow, but also highly commend the same.

Now then to answer in particular to the two questions, 1 what is to be attributed to succession alone, and secondly what interest a Prince hath thereby to any Crown, before he be Crowned or admitted by the common wealth. To the first I say, that to succession alone, or priority of blood only, great honour, reverence, and respect ought to be borne, as before hath been declared, for that it is the principall circumstance and condition which leadeth us to the next succession of the Crown infalibly, and without a strife: if his propinquity be cleare and evident, and that other necessary circumstances and conditions do concur also in the same person; which conditions were appointed and set down at the same time, and by the same authority that this law of succession was established, for that both the one and the other of these 2 points, were ordained by the Common-Wealth, to wit, that the elder and first in blood, should succeed, and that he should be such a person as can and will govern to the publike weale of al.

To the second question I answer, that an heir apparent to a Crown before his Coronation and admission by the Realm, if he have the conditions before required, hath the same interest to the kingdom, which the king of Romans, or Caesar hath to this German Emperour after his election, and before he be Crowned, or to use a more familiar example to Englishmen, as the Mayor of London hath to the Majoralty after he is chosen, and before he be admitted; or have taken his Oath; For as this man in rigour is not truly Mayor, nor hath not his jurisdiction before his Oath and admission, nor the other is properly Emperour before he be Crowned: so is not an heir apparent, truly King though his Predecessour be dead, and he next in succession, untill he be Crowned or admitted to the Common-wealth:

Another example is there in marriage also, whereby our matter is made more plain: for in this contract, so both the betrothing and actual joyning together of the parties in wedlock, this first is done by words *de futuro*, or for the time to come, and is not properly marriage, but espousall only, the other is by words *de presenti*, that this, by mutuall present consent given of both parties, and this second is only & properly true marriage, which two points are plainly and expressly represented in the state of an heir apparent, and of a Crowned king; for that the heir apparent by propinquity of blood, is only espoused or betrothed to the Common-wealth, for the time to come, and is married afterwards by present mutuall consent of both parties, in the contract & knitting up of the matter, as his Coronation, by the Oathes which either part maketh the one to take the other, and by putting on the ring and other wedding garments before mentioned in their Coronations, by all which the heir apparent (which before was but espouse) is made now the true king & husband of the Common-wealth, which before he was not, by only succession, but only a betrothed espouse or designed king.

Wherefore it followeth also, that the Common-wealth oweth no allegiance or subjection unto the heir apparent in rigour of Justice; untill he be Crowned or admitted, though his predecessor be dead; for that in very deed untill that time, he is not their true King and Sovereign, though for better keeping of Order and avoiding of tumults, all Common-wealths lightly that have their Princes by succession, have ordained in these last ages, that from the death of the former Princes, all matters of Government shall passe in the name of the next successor, (if his succession be cleare) and this (as I say) for avoiding of garboiles, and vnder supposall confirmation and approbation afterward of the Common-wealth at his Coronation; for which cause also, and for better accompt of years, it was ordained that the beginning of the successors reign, should be reckoned from the day of the death of his predecessor and not from the day of his Coronation, as otherwise in rigour it ought to be, and as in old time it was accustomed to be as Girard Secretary and Chronicler of France doth wisely note, in his third book to the estate and affaires of France, Girard die Haillan l. 3. c. 1. estate pag. 241. to wit, that Kings in old time were wont to accompt the yeares of their reignes from the day only of their anointing and Coronation.

This point also that heirs apparent are not true Kings untill their Coronation: how far soever their title of succession otherwise be, and though their Predecessours be dead, it might be confirmed by many other arguments, but especially and above all others, for that the Realm, is asked again three times at their Coronation, whether they will be such a man to be King, or no, as before hath been shewed, which thing were in vain to aske, if he were truly King, as Belloy saith, before his Coronation,

Again we see in all the formes and different manners of Coronation, that after the

Prince hath sworn divers times to govern well and justly, then do the subjects take o-
ther Oathes of obedience and allegiance, and not before, which argueth that before they
were not bound unto him by allegiance, and as for the Princes of England, it is expressly
noted by English Historiographers in their Coronations, how that no allegiance is due
unto them before they be Crowned, and that only it happened to Henry the fifth, among
all other Kings, his Predecessour to have this privilege, and this for his exceeding to-
wardlinesse, and for the great affection of the people towards him, that he had homage
done unto him, before his Coronation, and Oath taken. Whereof Polidor writeth in these
words: *Princeps Henricus facto patris funere, concilium principum apud Westmonasterium
convocandum curat, in quo dum de rege creando more maiorum agitabatur, esse tibi, continuo
aliquot Principes ultro in ejus verba mirare coeperunt, quod benevolentie officium nulli antea
priusquam Rex renunciatus esset, praestitum constaret, adeo Henricus ab ineunte aetate spem om-
nibus optima indolis fecit.* Polidor. viii. lib. 22. histor. Angliae vita Henrici 5. Which in
England in this Prince Henry, after he had finished his Father funeralls, caused a Par-
liament to be gathered at Westminster, where whilst consultation was had, according
to the ancient custome of England, about creating a new King, behold certain of the
Nobility of their own free wills, began to swear obedience and loyalty unto him; which
demonstration of love and good will, is well known that it was never shewed to any
Prince before, until he was declared King: So great was the hope that men had of the to-
wardlines of this P. Henry, even from his tender age, and the very same thing expresseth
John Stow also in his Chronicle in these words. *To this noble Prince by assent of the Parlia-
ment, all the States of the Realm after 3 dayes, offered to do fealty before he was Crowned,
or had solemnized his Oath well and justly to Govern the Common-wealth, which offer before
was never found to be made to any Prince of England. Stow in the begining of the life of K.
Henry 5. In whose narration as also in that of Polidor it may be noted: that K. Henry
the 5. was not called king untill after his Coronation, but only Prince, though his fa-
ther king Henry the 4. had been dead now almost a moneth before. And secondly that
the Parliament consulted de Rege creando more maiorum (as Polidor his words are) that
is making of a new king according to the ancient custome of their ancestors, which ar-
gueth that he was not yet king, though his father were dead, nor that the manner of
our old English ancestors, was to account him so before his admission.*

Thirdly, that this demonstration of good will of the Nobility to acknowledge him
for King before his Coronation, and Oath solemnized well and justly to Govern the
Realm, was very extraordinary and of meere good will. And last of all, that this was ne-
ver done to any Prince before K. Henry the 5, all which points do demonstrate, that it is
the Coronation and admission, that maketh a perfect and true King; whatsoever the
title by succession be otherwise, And that except the admission of the commonwealth be
ioyned to succession, it is not sufficient to make a Lawfull King, and of the two, the
second is of far more importance, to wit the consent and admission of the Realm, then
nearnesse of blood by succession alone.

This I might prove by many examples in England it selfe, where admission hath
prevailed against right of succession, as in Wil. Rufus that succeeded the Conquerour,
and in K. Henry the 1. his Brother, in K. Stephen, K. Iohn and others, who by only
admission of the Realm were Kings, against the order of succession, and very specially
it may be seen, in the two examples, before mentioned of the admission of the two
Kings Henry and Edward, both surnamed the 4 whole entrances. to the Crown. if a
man do well consider. he shall find that both of them, founde the best part and most
sure

most of their titles, upon the election consent, and good will of the people. *As in* *th. in last words to their friends in Sr. Tho. Moore and Stow.* Yea both of them at their dying daies having some remorse of conscience, (as it seemed) for they had caused so many men to dye for maintenance of their severall Rights and titles, had no better way to appease their own mindes; but by thinking that they were placed in that roome by the voice of the Realm, and consequently might lawfully defend the same, and punish such as went about to deprive him.

You shall find, if you looke into the doings of Princes in all ages, that such Kings as were most politique, and had any lest doubt or suspicion of troubles about the title, after their deaths, have caused their sonnes to be Crowned in their own dayes, trusting more to this, then to their title by succession, though they were never so lawfully and lineally descended. And of this I could alleadg you many examples out of diverse Countries but especially in *France*, since the last line of *Capetus* came unto that Crown; for this did *Hugh Capetus* himself procure to be done, to *Robert* his Eldest sonne, in his owne daies, and the like did King *Robert* procure for his younger son *Henry* the 1, as *Girard* holdeth, and excluded his elder onely by Crowning *Henry* in his owne daies: *Henry* also did intreate the States of *France*, to admit and Crown *Philip* the 1. his eldest son, whilst himself reigned, *An. 1131.* and this mans son *Luis Le Cros*, did the same also unto two sons of his: first to *Philip*, and after his death to *Luis* the younger, both which were Crowned in their fathers life time, and this *Luis* again the younger which is the seventh of that name; for more assuring of his son named *Philip* the second intreated the Realm to admit and Crown him also in his own dayes, with that great solemnity which in the former chapter hath ben declared.

And for this very same cause of securiry, it is not to be doubted, but that alwaies the Prince of *Spain* is sworn and admitted by the Realm, during his Fathers reign. The same consideration also moved King *David*, 2 *Reg. 1.* to Crown his son *Salomon* in his own daies. Our King *Henry* also the 2 of *England*, considering the alteration of that the Realm had made in admitting *K. Stephen*, *Polyd. & Stow. in vita Henrici 11.* before him against the order of lineall succession by propinquity of blood: and fearing that the like might happen also, after him, caused his eldest sonne named, likewise *Henry*, to be Crowned in his life time, so as *England* had two *K. Henries* living at one time with equall authority, and this was done in the 16. year of his Reign, and in the year of our Lord 1170 but his device had no good successe; for that *K. Henry* the younger made war soone after upon *K. Henry* the elder, and had both the Kings of *France* and *Scotland* and many Nobles of *England* and *Normandy*, to take his part; for which cause it is thought that this thing hath never been put in practise again since that time in *England*, but yet hereby it is evident, what the opinion of the world was in these daies of the force of Coronation, and admission of the Common-wealth, and how little propinquity of blood prevailleth without that.

The Seaventh Speech:

I should begin with the *Grecian* Kings, it were infinite that might be alleadged, and perhaps some man would say, they were over old, and far fetched examples, and cannot be presidents to us in these ages, and if I lay before you the examples of *Roman* Kings and Emperours put in and out, against the Law and Rights of succession; the same men perhaps will answer, that it was by force, and injury of mutinous souldiers, whereunto that Common-wealth was greatly subject. And if I should bring forth any presidents and examples of holy Scriptures, some other might chance to reply, that this

this was by particular priviledge, wherein God Almighty would deale and dispose of things against the ordinary course of mans law, as best liked himselfe, whose will is more then Law, and whose actions are right it self, for that he is Lord of all, and to be limited by no rule, or law of man, but yet that this is not properly that Act of a Common-Wealth.

Thus (I say) it may be, that some man would reply, and therefore having store enough of plaine & evident matter, which hath no excsptions, for that it hath happened in sciled Common-Wealths, & those near home, where the law of succession is received and established, to wit, in *Spain, France, & England*, I shall retire my self to them alone: but yet putting you in mind before I passe any further, that it is a matter much to be marked how God dealt in this point with the people of *Israel* at the beginning, *1 Reg. 8.* after he had granted to them, that they should have the same Government of Kings, that other Nations round about them had, whose Kings did ordinarily reign by succession, as ours do at this day, and as all the Kings of the *Jews* did afterwards, & yet this notwithstanding God at the beginning, at the very entrance of their first Kings, would shew plainly, that this Law of succeeding of the one the other, by birth and propinquity of bloud, though for the most part, it should prevaile, yet that it was not so precisely necessary, but that upon just causes it might be altered.

For proof whereof, we are to consider, that albeit he made *Saul* a true and lawfull King over the *Jewes*, and consequent also gave him all kingly priviledges, benefits and prerogatives belonging to that degree and state, whereof one principall (as you know) is to have his children succeed after him in the Crown: yet after his death God suffered not any one of his generation to succeed him, though he left behind him many children and among others *Isboseth* a Prince of 40 years of age, *2. Reg. 1 & 21.* whom *Abner* the general captain of that nation, with eleaven tribes followed for a time, as their lawfull Lord and Mr. by succession, unill God checked them for it, and induced them to reject him though heir apparent by descent, and to cleave to *David* newly elected King, who was a stranger by birth, and no King at all to the King deceased.

And if you say here that this was for the finnes of *Saul*, whom God had rejected I do confesse it, but yet this is nothing against our purpose, for that we pretend not that a Prince that is next in bloud can justly be put back, except it be for his own defects, or those of his ancestors. And moreover I would have you to consider, that by this it is evident that the fault of the father may prejudicate the sons right to the Crown, albeit the sonne hath no part in the fault, as we may see in this example not only of *Isboseth* that was punished and deprived for the offence of *Saul* his Father (notwithstanding he had been proclaimed King as hath been said, but also of *Iouathan* *Sauls* other sonne, who so good a man, and so much praised in holy Scripture, and yet he being slain in War, and leaving a son named *Mephiboseth*, was put back also, *2. Reg. 5.* though by nearness of bloud he had great interest in the succession and much before *David*.

But *David* being placed in the Crown by election, Free consent, and admission of the people of *Israel*, as the Scripture plainly testifieth [though by motion and direction of God himself] we must confesse, *2. Reg. 2 & 5.* and no man I think will deny, but that he had given unto him therewith, all Kingly priviledges preheminences and regalities, even in the highest degree, as was convenient to such a state, and among other the scripture expressly nameth, that in particular it was assured him by God, that his seed should reigne after him, yea and that for ever, *Psa. 131. 2 Paral. 6.* but yet we do not find this to be performed to any of his elder sons [as by order of succession it should seeme to appertain] no nor to any of their off-spring or descents but only to *Solomon* which was his

his younger and tenth sonne, and the fourth only by *Bersabe*.

True it is, that the Scripture recounteth how *Adonias Davids* elder sonne, that was of rare beauty & a very goodly young Prince, seeing his Father now very old and impotent, and to lie on his death bed, and himself heire apparent by antiquity of blood after the death of *Abisalom*, his elder brother that was slaine before, he had determined to have proclaimed himself heire apparent in Ierusalem before his Father died, 1 *Reg.* 1 and for that purpose had ordained a great assembly and banquet, had called unto it both the high *Abiather*, and diverse of the Clergy as also the Generall Captain of all the Army of Israel named *Joab*, with other of the Nobility, and with them all the rest of his brethren that were sonnes to King *David*, saving only *Salomon*, together with many other Princes and great men, both spirituall and temporall of that estate, & had prepared for them a great feast, meaning that very day to proclaime himselfe heire apparent to the Crown, and to be Crowned, as indeed by succession of blood it appertaineth unto him, and this he attempted so much the rather by counsell of his friends, for that he saw the King his Father very old and impotent, and ready to die, and had taken no order at all for his successor, and moreover *Adonias* had understood how that *Bersabe Solomons* Mother had some hope to have her son Reigne after *David*, upon a certaine promise that *David* in his youth had made unto her thereof, as also she had in the speciall favour & friendship which *Nathan* the Prophet, and *Sadock* the Priest [who could do much with the old King *David*] did bear unto her son *Solomon*, above all the rest of his brethren.

Hereupon [I say] these two that is to say, *Queene Bersabe*, and *Nathan* the prophet comming together to the old man as he lay on his bed, and putting him in mind of his promise, and Oath made to *Bersabee* for the preferment of her sonne, and shewing besides how that *Adonias* without his Order and consent, had gathered an Assembly to make himselfe King, even that very day (which did put the old King in very great feare, and anger) and further also telling him (which pleased him well) *quod oculi totius Israel in eum respicerent, ut indicaret eis, quis sederet in solio suo post ipsum*, 3 *Reg.* 1. that is, that the eyes of all Israel were upon him to see whom he would commend unto them, to sit in his seat after him, which was as much to say, as that the whole Common-wealth referred it to his choice, which of his sonnes, should reigne after him.

Vpon these reasons and perswasions [I say] the good old King was content that they should take *Solomon* out of hand, and put him upon the Kings own mule, and carry him about the streets of Ierusalem, accompanied with his guard and Court, and crying with sound of Trumpets *Vivat Rex Salomon*, 3 *Reg.* 1. and that *Sadock* the Priest should anoint him, and after that he should be brought back, and placed in the royall Throne in the palace, and so indeed he was, at what time King *David* himself being not able through impotency to rise out of his bed did him honour and reverence from the place where he lay; for so saith the Scripture, *Adoravit Rex in lectulo suo*, King *David* adored his son *Salomon* thus Crowned even from his bed, all which no doubt though it may seeme to have beene wrought by humane meanes and policy, yet must we confesse, that it was principally by the speciall instinct of God himself, as by the sequell and success we see, so that hereby also, we are taught, that these and like determinations of the people *Majestates*, and *Common-wealths*, about admitting or refusing of Princes to Reigne or not to reigne over them, when their designments are to good end, and for just respects and causes are allowed also by God, and oftentimes are his own speciall drifts and dispositions, though they seeme to come from man.

Whereof no one thing can give a more evident prooffe, then that which ensued a fier- ward to Prince *Roboam*, the lawfull Son, and heyre of this King *Salomon*, who after his Fathers death, coming to *Sichem*, where all the people of *Israel* were gathered together, for his Coronation, & admission, according to his right by succession, 3. *Reg.* 12. For untill that time, we see he was not accounted true King, though his Father was dead, and this is to be noted, the people began to propose unto him certain conditions, for taking away of some hard and heavie impositions, laid upon them by *Salomon* his Father, (an evident president of the Oath and conditions that Princes do swear unto in these dayes at their Coronation) whereunto when *Roboam* refused to yeald 10. Tribes of the 12. refused to admit him for their King, 3. *Reg.* 11. but chose rather one *Ieroboam*, *Roboams* servant, that was a meere stranger, and but of poore parentage, and made him their lawfull King, and God allowed thereof, as the Scripture in expres words doth testifies; & when *Roboam* that tooke himselfe to be openly injured hereby, would by armes have pursued his Title, and had gathered together an Army of 100. & fourescore thousand chosen Souldiers, (as the Scripture saith) 5. *Reg.* 12. & 21. to punish these Rebels as he calles them, & to reduce these 10. Tribes to their due obedience of their naturall Prince: God appeared unto one *Semeiah* a holy man, & bad him go to the Camp of *Roboam*, and tell them plainly, that he would not have them to fight against their Brethren, that had chosen another King; but that every man should go home to his house, and live quietly under the King, which each party had, & so they did, and this was the end of that Tumult which God for the sins of *Salomon* had permitted & allowed of. And thus much by the way I thought good to touch out of holy Scripture, concerning the Jewish Commonwealth, even at the begining; for that it may give light to all the rest, which after I am to treat of; for if God permitted & allowed this in his owne Commonwealth, that was to be the example & pattern of all others that should ensue: no doubt but he approveh also the same in other Realms, when just occasions are offered, either for his service, the good of the people & Realm, or else for punishment of the sins & wickednesse of some Princes, that the ordinary line of succession be altered.

Now then to passe on further, and to begin with the kingdoms of *Spayne*, supposing ever this ground of Gods Ordinance, 1. I say, that *Spayne* hath had 3. or 4. races or descents of Kings, as *France* also & *England* have had, and the first race was from the *Goths*, which began their Reign in *Spayne* after the expulsion of the *Romans*, about the year of Christ 416. *Ambros.* *Moral.* lib. 11. c. 12. to whom the *Spaniard* referreth all his old Nobility as the *Frenchman* doth to the *German Franches*, & the *English* to the *Saxons*, which entred *France* & *England* in the very same age, that the other did *Spayne*, and the race of *Gothish* Kings indured by the space of 300. years, untill *Spayne* was lost unto the *Moors*.

The 2. race is from *Don Pelayo* that was chosen 1. King of *Asturia*, and of the Mountain Countrey of *Spayne*, after the destruction thereof by the *Moors*, about the year of Christ 717. *Ambros.* *Moral.* lib. 13. c. 2. which race continued and increased, and added Kingdom unto kingdom, for the space of other 300. years, untill the year of Christ 1034. *Moral.* lib. 13. c. 42, 43, 44. when *Don Sancho* Mayor, King of *Navarra* got unto his power, the Earldom also of *Aragon*, & *Castilia*, and made them kingdoms, and divided them among his Children, and to his second sonne, named *Don Fernando*, surnamed after ward the great, he gave not only the said Earldom of *Castilia* with title of kingdom; but by marriage also of the sister of *Don Dermudo* king of *Leon*, and *Asturias*, he joyned all these kingdoms together, that day forward the 3. race of the kings of *Navarra*, to reign in *Castile* & so indured for 500 years, untill the year of Christ 1540. when the house of *Austria* entred to reiga there, by marriage of the daughter & heyre *Don Fernando* surnamed

the Catholick; and this was the 4 race of Spanish Kings after the *Romans*, which endureth until this day. And though in all these foure races and ranks of Royall descents, diverse examples might be alleadged for manifest proof of my purpose: yet will not deale with their race, for that it is evident by the Councell of *Toledo*, (which were holden in that very time) that in those daies expresse election, was joyned with succession as by the deposition of *K. Suintila*, and putting back of all his children: as also by the election and approbation of *K. Sifinando* that was further of by succession, hath been insinuated before, and in the 5 Councell of that age of *Toledo*, it is decreed expressly in these words, *Si quis talia meditatus fuerit* (talking of pretending to be King, *quem nec electio omnium perficit, nec Gothica gentis nobilitas ad hunc honoris apicem trahit, sit consortio Catholicorum privatus, & divino anathemate condemnatus.* *Concil. Tol. 5. c. 3.* If any man shall imagine (saide these Fathers) (or go about to aspire to the Kingdom, whom the election and choice of all the Realm, doth not make perfect, nor the Nobility of the *Gothish* Nation, doth draw to the height of this dignity: let him be deprived of all Catholique society, and damned by the curse of Almighty God, by which words is insinuated, that not onely the Nobility, but of *Gothish* blood, or neernes by succession was required for the making of their King, but much more the choice or admission of all the Realm, wherein this Councell putteth the perfection of his title.

Don Pelayo died in the year of our Lord 737. and left a Son named *Don Faniila*, who was King after his Father, and reigned 2. yeares only. After whose death, none of his Children were admitted for King, though he left divers, as all writers do testifie. But as *Don Lucas* the Bishop of *Tuy* a very ancient Authour writeth, *Aldefonsus Catholicus ab universo populo Gothorum eligitur*, that is (as the Chronicler *Morales* doth translate in Spanish) *Don Alonso* surnamed the Catholick, was chosen to be King by all voyces of the *Gothish* Nation. This *Don Alonso* was Son in law to the former *K. Faniila*, as *Morales* saith, for that he had his Daughter *Ermensenda* in Marriage, and he was preferred before the Kings own sonnes, only for that they were young and unable to govern, as the said Historiographer testifieth. And how well this fell out for the Common-Wealth, and how excellent a King this *Don Alonso* proved, *Morales* sheweth at large, from the 10. Chapter of his 13. Booke untill the 17. and *Sebastianus* Bishop of *Salamanca*, that lived in the same time, writeth of his valiant acts he was surnamed the great. *Sebast. Episc. Salam in hist. Hisp.*

To this famous *Don Alonso*, succeeded his son *Don Fruela* the first of that name, vvhich was noble King for 10 years space, and had divers excellent victories against the *Moors*; but after vvhich declining to tyranny: he became hateful to the subjects, and for that he put to death wrongfully his own brother *Don Pimerano* Prince of excellent parts and rarely beloved of the *Spaniards*, he vvas himselfe put down, and put to death by them in the year of Christ 768. And albeit this King left 2. godly Children behind him, vvhich were lawfully begotten upon his Queen *Dona Munia*, the one of them a son called *Don Alonso*, and the other a daughter called *Dona Ximea*; yet for the hatred conceived against their Father, neither of them vvas admitted by the Realm to succeed him; but rather his chosen german, named *Don Aurelio* brothers son to *Don Alonso the Catholique*, vvas preferred and reigned peaceably 6 years, and then dying vvhithout issue; for this the hatred of the *Spaniards* vvas not yet ended against the memory of *K. Fruela*; they vvhould not yet admit any of his Generation; but rather excluded them again the 2. time, and admitted a brother in law of his, named *Don Silo* that vvas married to her sister *Dona Adofinda* daughter to the foresaid noble *K. Catholique Alonso*. So that here vve see twice the right heyres of *K. Don Fruela* for his evil government yere put back; But *Don Silo* being dead vvhithout issue, as also *Don Aurelio* vvas before him, and the *Spaniards* anger against *K. Fruela* being now vvel assuaged; they admitted to the Kingdom his foresaid son, *Don Alonso* the younger, surnamed after vvhich the chaste, vvhom now twice before put back as you have seen; but now they admitted him, though his reign at the first endured very little; for that a bastard uncle of his, named *Don Mauregato* by help of the *Moors* put him out, & reigned by force 6 years, & in the ending vvhithout issue, the matter came in deliberation again, vvhether the *K. Don Alonso* the chaste that yet lived, & had been hidden in a monastery of *Galitia*, during the time of his tyrant, should returne again to govern, or rather that his cosen *Cernan Don Vermudo*, son to his uncle the Prince, should be elected in his place. And the Realm of *Spain* determined the 2. that *Don Vermudo* though he yere much further of, by propinquity of blood, & vvhithin Ecclesiasticall order also should be admitted. True it is, that after three yeares reign, this King

King *Fernando* being weary of Kingly life & feeling some scruple of conscience that being Deacon he had forsaken the life Ecclesiastical, and married and entangled himself with the affairs of a kingdom, though by dispensation of the Pope he resigned willingly the government unto his fairer son *Don Alonso* the chaste, & himself lived after a private life for divers yeeres, but this *Don Alonso* who now the 4th. time had been deprived of his succession, deceived the expectation of the Spaniards: that accounted him a Monk, for he proved the most valliant and excellent king that ever that Nation had, both for his vertue, valour, victories against the Moors, building of towns, castles, Churches, Monasteries, & other such works of Christianity, as *Mor.* recounteth and he reigned after this his last admission 51 yeetes, and had great friendship with king *Charles* the great of France, who lived in the same time with him.

And this man among other noble exploits, tamed the Moors of his countrey, as during his dayes he never paid that cruel and horrible tribute, which before and after was made by the Christians to the Moors, which was 100 young Maidens, and 50 Sons of Gentlemen every yeer to be brought up in the Religion of Mahomer, among those insidell tyrants. And finally this man after so much affliction came to be one of the most renowned Princes in the world.

After this *Don Alonso* who left no children, for that he would never marry, who lived all his life in chastity, there succeeded to him by election his nephew named *Don Ramus*, Son to the former said *K. Don Fernando* the Deacon that gave this man the Crown of whose election *Morales* writeth these words.

King *Don Alonso* the chaste being dead, there was chosen a king by the Prelats & Nobility of the Realm *Don Ramus* the first of this name, (one of *K. Fernando* the Deacon who resigned his Crown to *Don Alonso*), & it is to be noted, that albeit this *Don Ramus* was next in blood to the succession, after the death of his uncle *Don Alonso* without children, yet was he chosen by the States, as here it is said in expresse words.

Moreover it is to be noted that albeit this Author *Ambrosio Morales*, & other Spanish Writers do say, that in the time of this *Don Ramus*, the law of succession by propinquity of blood was so revived, & strongly confirmed, that as the kingdom of Spain was made as *Morales* saith, which is an inheritance so entayled & tyed only to the next blood, as there is no possibility to alter the same, and that from this time forward the king always caused his elect son to be named king or Prince & soever to be sworn by the Realm & Nobility, yet shall wee find this Ordinance and succession oftentimes to have been broken upon severall considerations, as this Author himself confesseth.

As for example, after 4. descents from this man, which were *Don Ordonio* the first, the mans Son, & *Don Alonso* the 3. *Don Garcia*, and *Don Ordonio* the second, all four kings by orderly succession, it hapned that in the yeer of Christ 924. *Don Ordonio* the second dying left four sons and one daughter lawfully begotten, and yet the State of Spain displaced them all, & gave the kingdom to their uncle *Don Fruela*, the second brother to their Father *Don Ordonio*, and *Morales* saith, *Mor. l. 16. c. 1. an. 924.* that there appeareth no other reason hereof, but only for that these sons of the King were so apt to govern well the Realm, as their uncle was.

But after a years Reign, this K. *Penla* dyed also, & left divers children at mans estate, & then did the Spaniards as much against them as they had done for him before, against the children of his elder brother.

For they put them all by the Crown and chose for their King *Don Alonso* the 4. which was eldest Son to *Don Ordino* the 2. that had been last king saving one, but *Don Alonso* the 4. leaving afterward his kingdom, & betaking himself to a religious habit, offered to the Common wealth of Spain his eldest Son, lawfully begotten named *Don Ordino* to be their King, but they refused him, & took his brother (I mean this kings brother, named *Don Ramiro*, who reigned 19 years, & was a most excellent King & gained Madrid from the Moors, though noted of cruelty, for imprisoning & pulling out the eyes of this K. *Don Alonso* the 4. & all his children and nephewes, for that he would have left his habit, and returned to be king again.

Furthermore, after this noble King *Don Ramiro* the second succeeded as heir apparent to the crown, his elder son *Don Ordino* the 3. of his name, an. 950, but this succession endured no longer then unto his own death, which was after 7 years, for then albeit he left a Son named *el fante Don Vermudo*, yet he was not admitted, but rather his brother *Don Sancho* the 1. of his name, surnamed *el Gordo*, who was uncle to the young Prince.

And the reason of this alteration why the Kings brother, and not his Son succeeded in the Crown, was for that the Infant or young Prince *Vermudo* was a little child and not fit for government and defence of the Country.

Truth it is, that after this *Don Sancho* had reigned, and his son and heire named *Don Ramiro* the 3. after him, for the space of 30 years in all, then was this youth *Don Vermudo* (that is now put back) called by the Realm to the succession of the crown, and made King by the name of K. *Vermudo* the 2. who left after him *Don Alonso* the 5. and he again his son *Don Vermudo* the 3. who marrying his sister *Dona Sancho*, that was heir unto *Don Fernando*, first Earl, and then king of Castile (who was second son to *Don Sancho* King of Navarre) he joyned by these means the kingdoms of Leon and Castile together, which was separated before and so ended the time of *Don Pelaso*, first Christian King of Spain after the entrance of the Moors, which had endured now 200 years, and the blood of *Navy* entered as you see and so continued therein untill the entrance of those of *Austria*, which was almost five hundred years together.

And thus much I thought good to note out of the stories of Spaine, for this first descent of the Spanish Kings after the entrance of the Moors.

Notwithstanding, if I would go on further, there would not want divers evident examples alio to the same purpose, which *Sanben Garabay* and other chronicler of Spain doth touch in the continuation of this story, whereof, only for examples sake, I will name two or three among the rest.

And first about the year of Christ 1201, there was a marriage made by K. John of England for *Dona Blanca* his Niece, that is to say, the daughter of his sister dame *Eleanor*, and of *Don Alonso* the 9. of that name, King and Quondam of Spain, which *Blanca* was to marry the Prince of France, named *Lewis*, son of *Lewis* the 8. and was father which *Lewis* was afterward king of France by the name of *Louis*.

ther to Lewis the 9. surnamed the Saint. This Lady *Blancha* was Niece unto King John. & to King Richard the 1. of England, for that her mother Lady *Blonor* was their sister, and daughter to King Henry the second, and King John made this marriage, thereby to make peace with the French, and was content to give for her dowry all those Towns and Countries which the said King *Philip* had taken upon the English by this kings evill government in Normandy and Gascoyn; and moreover promise was made, that if Prince Henry of Spain should dy without issue, then his Lady should succeed in the Crown of Spain also.

But yet afterward the State of Spain would not perform this, but rather admitted her younger sister, *Dona Berenguela* married to the Prince of Leon, and excluded both *Blancha* & her son the King St. Lewis of France, against the evident right & succession of propinquity of blood; and the only reason they yeilded her to, was not to admit strangers to the Crown, as *Garaby* testifieth.

This happened then, and I do note by the way, that this *Dona Berenguela*, second daughter of Queen *Blonor*, the English woman, was married to the P. of Leon, and had by him *Don Fernando* the 3. of that name K. of Castile surnamed also the Saint, so as the two daughters of an English Queen had two kings Saints for their Sons at one time; the elder of France, and the younger of Spain.

After this again about 60 yeers the P. of Spain named *Don Alonso*, surnamed *de la cerda* for that he was born with a great gristle hair on his breast, called *cerda* in Spanish, which King *Don Alonso* was nephew to the King *Fernando* the Saint, and married with the daughter of St. Lewis King of France, named also *Blancha* as her grand mother was, & had by her two sons, called *Alonso* & *Fernando de la cerda*, as the Pr. their Father was named; which Father of theirs dying before the King, the Grandfather left them commended to the Realm as lawfull heires apparent to the crown, yet for that a certain uncle of theirs named *Don Sancho*, younger brother to their Father, which *Don Sancho* was surnamed afterwards *el bravo*, for his valour, and was a great Warriour, and more like to manage warlike matters of war than they: he was made heir apparent of Spain, and they put back in their Grandfathers time, and by his and the Realm's consent, and this was done at a generall Parliament holden at *Segovia*, anno 1276.

And after this *Don Sancho* was made King anno 1284. and the two Princes put into prison, but after ward at the suit of their uncle King *Philip* of France, they were let out again, and endued with certain lands, and so they remain unto this day; & of these do come the Dukes of Medina, Cels, and all the rest of the house of *Cerda*, which are of much Nobility in Spain at this time, and K. *Philip* that reigneth cometh of *Don Sancho* the younger brother.

But not long after this again when *Don Pedro* surnamed the cruell King of Castile was driven out, as his bastard brother *H. 3.* set up in his place the D. of Lancaster John of Gant having married *Dona Constantia*, the said King *Pedro*'s daughter & her pretended by succession the said crown of Castile, as in deed it appertained unto him.

But yet the Spaniards denied it flatly and defended it by Armes, and they prevailed against John of Gant, as did also the race of *H.* the bastard against his lawfull brother

the, and the race of *Don Sancho*, the uncle against his lawfull nephews, and that of *Don Bertinguela* against her elder sister, all which races do reign unto this day. Well! one example will I give you more out of the kingdom of *Portugall*, and so will I make an end with these countries.

This *K. Henry* the bastard last named *K. of Spain*, had a son that succeeded him in the crown of Spain, named *John* the 1. who married the daughter & heire named *Dona Beatrix* of *King Fernando* the 1. of *Portugall*; but yet after the death of *K. Fernando* the states of *Portugall* would never agree to admit him for their King, for not subjecting themselves by that means to the *Castilians*, and for that cause they rather took for their King a bastard brother of the said late *K. Don Fernando*, whose name was *Don Julian* a youth of 30 years old who had been Master of a Military order in *Portugall* named *de Avis*, & so they excluded *Don Beatrix* of *Castile*, that was their lawfull heire, & chose this young man, & married him afterwards to the Lady *Philip*, daughter of *John* of *Gant*, D. of *Lancaster*, by his first wife, by his first wife *Blanch*, Duchesse & Heir of *Lancaster*, in whose right the Kings of *Portugall*, and their discendents, do pretend unto this day a certain interest to the house of *Lancaster*.

Hereby we see what an ordinary matter it hath been in *Spain* and *Portugall*, to alter the line of next succession upon any reasonable consideration, which they imagined to be for their Weal publike; and the like we shall find in *France* and *England*.

The eighth Speech.

AS concerning the state of *France*, although since the entrance of their first king *Pharamond*, with his Franks out of *Germany*, anno 419. they have never had any stranger come to wear their crown, which they attribute to their law *Salike* that forbiddeth women to reign, yea, among themselves have changed their whole race and lineage of Kings, once in the entrance of *King Pepin*, that put out the line of *Pharamond*, an. 751. & again in the promotion of *K. Hago Capetus*, that put out the line of *Pepin*, an. 988. so as they have had three discents & races of Kings, as well as the *Spaniard*.

I will here let passe the first rank of all of the French Kings, for that some men say perhaps, that the Common-wealth & Law of succession, was not so well settled in those days, as it hath been afterward in time of *K. Pepin Charles the Great*, and their Discendants; as also that it were in very deed over-redious to examine and peruse all three ranks of Kings in *France*, as you will say when you shall see what store I have to alledge out of the second rank only, which began with the exclusion & deposition of their lawfull king *Childerike* the 3. & election of *K. Pepin*, then surnamed *le brese*, or the little for his small stature (though he were a Gyant in deeds) being made King of *France* by meer election, an. 751. after 22 Kings that had reigned of the first line of *Pharamond* for the space of more then 300 years, & being so famous & worthy a King, as all the world knoweth he reigned 18 years, & then left his States & Kingdoms by succession unto his eldest son *Charles*, surnamed afterward

the

the Great, for his famous & heroicall Acts. And albeit the whole kingdom of *France* appertained unto him alone by the law of succession, his Father being King, & he his eldest son; yet would the Realm of *France* shew their authority in his admission, which *Girard* setteth down in these words.

King Pepin being dead, the Frenchmen chose for their Kings his two Sons, Charles & Carlomon, with condition that they should part equally between them the Realm.

Wherein is to be noted, not only the election of the Common-wealth, besides succession, but also the heavy condition laid upon the heire to part half of his kingdom with his younger brother, and the very same word, hath *Egmond*, an ancient French Writer, in the life of this Charles the Great, to wit.

That the French State in a publike Assembly did chuse two Princes to bee their Kings, with expresse condition to divide the Realm equally, as *Francis Belforest* setteth his words.

After 3 years that these two brethren had reigned together, *Carlomon* the younger dyed & left many sons; the elder whereof was named *Adelgise*; but *Belforest* saith, That the Lords Ecclesiasticall and Temporall of *France*, swore fidelity & obedience to Charles, without any respect or regard at all of the children of *Carlomon*, who yet by right of succession should have been preferred, and *Paulus Emilius* a Latine Writer saith. The Nobility of the Realm coming of their own accord unto Charles, saluted him king of all *France*, whereby is shewed, that this exclusion of the children of *Carlomon* was not by force or tyranny, but by free deliberation of the Realme of *France*,

After Charles the great reigned by succession, his only son Lewis the first, surnamed *de bonnaire* of his countesse, who entering to reign in the year, 817. with great applause of all men for the exceeding gratefull memory of his Father, was yet afterward at the pursuit principally of his own three sons by his first wife (which were *Lothair*, *Pepin*, and *Lewis*) deposed, *Gir. l. 1. an. 834* first in a Chancell at Lyons, and then again at *Compaigne*, and put in a Monastery, though afterward he came againe to reigne, *an. 840*.

And his fourth Son by his second wife (which son was named *Charles le chauue* for that he was bald) succeeded him in the States of *France*, though after many battels against his brother *Lothaire*, to whom by succession the same appertained.

After Charles the bald succeeded Lewis the second, surnamed *le begue*, for his stuttering, who was not eldest, but third son unto his Father, *an. 878*. for the second dyed before his Father, and the eldest was put by his succession for his cruell demeanour, this *Lewis* also was like to have been deprived by the States at his first entrance for the hatred conceived against his Father *Charles* the bald, but that he calling a solemn Parl. at *Compeign* as *Girard* saith, *Gir. l. 1. an. 879* he made the People, Clergy; & nobility many fair promises to have their good wils. This *Lewis* the stuttering left two bastard sons by a Concubine, who were called *Lewis* & *Carlomin* as also he left a little infant newly born of his lawful life, *Adeltrude* daughter tok. *Alfred of England*

which

which Infant was K. of France afterward by name of Charles the simple albeit not immediately after the death of his Father, for that the nobles of France said that they had need of a man to be King & not a child as Girard reporteth & therefore the whole State of France, chose for their Kings the two foresaid Bastards, Lewis the 3 and Charolmon the first of that name, joyntly & they were crowned most solemnly & divided the whole Realm between them in the year of Christ, 881. & Q. Adeltrude, with her child true heir of France fled into England to her Father, & there brought him up for divers years, in which time she saw 4 or 5 Kings reign in his place in France one after the other, for briefly thus it passed.

Of these two bastard Kings, the elder named Lewis reigned but 4 years, & died without issue, the 2d that is Charolmon lived but one year after him & left a Son called also Lewis the 5 & surnamed Faineant for his idle & slothfull life, an 886. for which as also for his vicious behaviour & in perticular forsaking our & marrying a Nun of the Abby of Bauder at Chels by Paris he was deprived & made a Monk in the Abby of S. Denis where he died & in his place was chosen K. of France, and crowned with great solemnity Charles the 4 Emperour of Rome surnamed *legos* for that he was fat & corpulent he was Nephew to Charles the bald before mentioned & therefore the French stories say that he came to the Crowne of France partly by succession & partly by election Girard l 5 an 888 but for succession we see that it was nothing worth so much as Charles the simple the right heir was alive in England, whom it seemeth that the French men had quite forgotten seeing that now they had not only excluded him three times already but afterwares also againe when this grosse Charles was for his cruell government by them deposed & deprived not only of the kingdom of France but only of his Empire which he had before he was king & was brought into such miserable penury as divers write that he perished for want; & this time I say the states of France would not yet admit Charles the simple (though hitherto his simplicity did not appear but he seemed a goodly Prince) but rather they chose for king Odo Earle of Paris & Duke of Anglers. & caused him to be crowned. But yet after a few ye. rs being weary of this mans government an I moved also some with compassion towards the youth that was in England, they resolved to depose Odo, and so they did while he was absent in Gascony and called Charles the simple out of England to Paris and restored him to the kingdom of France leaving only to Odo for recompence the state of Aquitain, with Title of a Duke waerwith *in fine*, he contented him else seeing he could get no more. But yet his posterity by vertue of this election, pretended ever after a Title to the Crowne of France and never lost it of untill at length by Hugo Capetus they got it, for Hugh descended of this King and Duke Odo. This K Charles then surnamed the simple and English womans Son being thus admitted to the Crowne of France he took to wife an English woman named Elgmatur Ogm daughter of K. Edward the elder by whom he had a Son named Lewis and himself being a simple man was allured to go to the Castle of Peron in Picardy where he was made prisoner, and forced to resign his kingdom unto Ralph K. of Burgundy, an 927, and soon after he died in misery in the same castle. and his w. Ogm fled into England where with her little son Lewis unto her uncle K. Adelstan as Q. Adeltrude had bene before her son unto K. Alfred, and one of the chief in this action for putting down of the simple was Count Hugh surnamed the Great E of Paris Father unto H. gy Capetus. which after was king. But this new K. Ralph lived but three years after and then the states of France considering the right

ele of *Lewis* the lawfull child of *K. Charles* the simple, which *Lewis* was commonly called now in France by the name of *d Outremur*, that is beyond the Sea, for that he had been brought up in England the said States being also greatly and continually solicited hereunto by the Ambassadors of *K. Adelfon* of England, and by *Wil. Duke* of Normandy, surnamed long Speer great Grandfather to *Wil. the Conquerour*, who by the *K. of England* was gained also to be of the young Princes part; for these considerations (I say) they resolved to call him into France out of England as his Father had bin before him and to admit & crown him King and so they did and he reigned 27 years, and was a good Prince, and died peaceably in his bed in the year of Christ 945.

This *K. Lewis* of *d Outremur* left two Sons behind him the one was called *Lothair* the 1 who succeeded him in the crown of France, and the 2 was named *Charles* whom he made Duke of Lorrain, *Lothair* dy'ng left one only son named *Lewis* as his Grandfather was, who was named *K. of France*, by the name of *Lewis the 7* & dying without issue after two years that he had reigned the crown was to have gon by lineall succession unto his Uncle *Charles Duke* of Lorrain second Son to *Lewis d Outremur*, as is evident but the States of France did put him by it for mislike they had of his person, and did chuse *Hugo Capetus* Earle of Paris and so ended the second line of *Pepin* and of *Charles the Great*, and entred the race *Hugo Capetus*, which endureth untill this day, and the French stories do say that this surname *Capet* was given to him when he was yong for that he was wont snatch away his Fellowes caps from their head wherof he was termed snatch cap which some do interpret to be an abodement that he should snatch also a crown from their true owners head in time as afterwards we see it fell out, though yet he had it by election & approbation of the Common wealth.

And in this respect all the French Chroniclers who otherwise are most earnest defenders of their law of succession do justifie this title of *Hugo Capetus* against *Charles* for which cause *Francis Belforest* doth alleadge the saying of *W. Nangius* an ancient & diligent Chronicler of the Abby of *S. Denis* in France, who defendeth *K. Capetus* in these words.

We may not grant in any case that *Hugh Capet* may be esteemed an invador or usurper of the Crown of France, seeing the Lords, Prelats Princes and Governors of the Realm did call him to this dignity and chose him for their King and Sovereigne Lord: upon which words *Belforest* saith as followeth, I have laid before you the word and censure of this good religious man, for that they seem to me to touch the quick; For in very truth we cannot by any other means defend the title of *Hugh Capet* from usurpation & felony then to justify his coming to the crown by the consent & will of the Common wealth; and in this I may well excuse me for inconsistency & contradiction to my self, that have so earnestly defended succession before; for he that will consider how and what condition I defended that shall easily see also that I am not here contrary to the same, I think it not amisse to put down here some part of the oration or speech which the Ambassador that was sent at that time from the State of France unto *Charles of Lorrain* after their election of *Hugh Capet* & *Charles* exclusion, did use unto him in their names, which Speech *Girard* doth recount in these words.

word, *Gir. l. 6. an. 988.* Every man knoweth (*Lord Charls*) that the succession of the crown and realme of France according to the ordinary Lawes and rights of the same belongeth unto you and not unto *Hugh Capet* now our King, but yet the very same laws which do give unto you this right of succession do judge you to be unworthy of the same: for that you have not endeavoured hitherto to frame your life and manners according to the prescript of those laws, nor according to your use and custom of your country of France: but rather have allied your self with the German Nation, our old enemies, and have acquainted your self with their vile and base manners, wherefore seeing you have forsaken and abandoned the ancient vertue sweetnesse and amity of the French, we have also abandoned and left you, and have chosen *Hugh Capet* for our King & have put y^e in black, and this without scruple of our consciences at all, esteeming y^e far better & more just to live under and more just to live under *Hugh Capet* the present Possessor of the crown with enjoying the ancient use of our laws, customs Priviledges and liberties, then under you the inheritor by nearnesse of blood in oppressing strange customs and cruelty. For even as those which are to make a voyage in a ship upon a dangerous Sea, do not so much respect whether the Pilot which is to guide the steer be owner of the ship or no but rather whether he be skillfull, valiant and like to bring them in safety to their ways end or to drownd them among the waves: even so our principall care is that we have a good Prince to lead and guide us happily in this way of civill and polittick life, which is the end why princes were appointed, for that this man is fitter to be our King. This message did the States of France send to *Charls* or *Lorraine* in defence of their doings and with this he lost his succession for ever and afterwards his life also in prison and the French-men thought themselves secure in conscience as you see for doing the same which God hath so since seemed to confirm with the succession and happy successe of so many noble and most Christian Kings. have issued out of this line of *Hugh Capet* unto this day.

And this spoken now of the second line of France, I take to be sufficient for proof of our purpose without going any further, for that if we do number these Kings already named, that have reigned in this second race, from *K. Pepin* downward unto *Hugh Capet* (which are about 17 or 18 Kings in 238 years) we shall find that not some few, but the most part of them did both enter and enjoy their crowns and dignities contrary to the law of lineall descent, and of next succession by blood.

Whereof also there would not want divers examples in the third and last descent since *Hugo Capetus* his time if he would passe further to examine the stories thereof.

For not to go further down then to the very next descent after *Hugh* which was *K. Robert* his Son, *Girard* affirmeth in his story, *Gir. l. 6 an. 1232.* that of his two Sons which he had named *Robert* and *Henry*, *Robert* the elder was put back, and his younger brother *Henry* made *K. of France*, and reigned many yeers by the name of *Henry the 1.* and this he saith hapned partly for that *Robert* was but a simple man in respect of *Henry* and partly for that *H.* was greatly favoured and assisted in this pretence by *Duke Robert* of *Normandy*, Father to our *William the Conquerour*, and in recompence hereof this King *Henry* after assisted the said *William* bastard son to *Robert*, for the attaining of the Dukedom of *Normandy*, after the death of the said *Duke Robert* his Father notwithstanding that *Duke Robert* had two lawfull brothers at that time whose names were *Monger* Archbishop of *Rome* and *William E.* of *Argues* in *Normandy*, who pretended by succession to be preferred *Gir. l. 6 an. 1032 and 1037.*

But the States of *Normandy* at the request of *duke Robert* when he went to the holy land in which journey he died as also to avoid dissention & wars that otherwise might ensue, were content to exclude the uncles, & admit the bastard son who was assisted

assisted by the Forces of the King of *France*, so as no scruple it seemed them was it those days, either to prefer *K. Hen.* to the crown of *France* before his elder brother or *D. William* the bastard son to the Duchy of Normandy before his lawfull uncles upon such considerations, as those States may be presumed to have had for their doings. I read also that some yeers after, to wit, in the year 1110. when *Philip* the 1. of *France* son and heyr to his *K. Henry* was deceased, the people of *France* were so offended with his evil life and government, as divers were of opinion to dis-inherit his Son *Lewis* the 6. surnamed *le Gras*, for his sake, and so was he like to have been indeed, as may appear by the chronicle of *France*, if some of his party had not caused him to be crowned in hast, and out of order in Orleans for preventing the matter.

The like doth *Philip Cominans* in his story of *K. Lewis* the 11 declare, how that the State of *France* had once determined to have dis-inherited his Son *Charles*, named after the 8. & to put him back from his succession for their hatred to his Father, if the said Father had not dyed while the other was very young, as I noted before also, that it hapned in *K. Hen.* the 3 of England, who was once condemned by the Barons to be dis-inherited, for the fault of *K. John* his Father, & *Lewis* the 11 of *France* chosen in his place but that the death of *K. John* did alter that course intended by the English Nobility, so as this matter is neither new nor unaccustomed in all forraign Countries, and now will I passe also a little to our English Stories, to see whether the like may be found in them or no.

And first of all, that the Realm of England hath had as great variety, changes, & diversity in the races of their Kings, as any one Realm in the world it seem to be evident: for that first of all after the Britains, it had Romans for their Governours for many yeers, & then of them, & their Roman blood, they had Kings againe of their own, as appeareth by that valiant King *Aurelius Ambrosius*, who resisted so manfully & prudently the Saxons for a time, after this they had Kings of the Saxon & English blood & after them of the Daves, & then of the Normans, and after them againe of the French; & last of all it seemeth to have returned to the Britains againe, in *K. H.* 7. for that his Father came of that race, and now you know there be pretenders of divers Nations, I mean both of Scottish, Spanish, and Italian blood, so that England is like to participate with all their neighbors round about them, & I for my part do feel my self much of the French opinion before alleadged, that so the ship be well and happily guided, I esteeme it not much important of what race or Nation the Pylot be but now to our purpose, I mean to passe over the first and ancient ranks of Kings, as well of the British and Roman, as also of the Saxon races, unill *K. Egbert* the 1. of this name, King of the West Saxons, & almost of all the rest of England besides who therefore is said to be properly the first Monarch of the Saxon blood, and he that first of all commanded that Realm to be called England, which ever since hath been observed.

This man *Egbert* being a young Gentleman of a noble house in the West parts of England, was had in jealousy by his *K. Britanicus*, who was then 6. K. from *Cordub*, first K. of the West Saxons, as he was also the last of his blood.

And for that he suspected that this *Egbert* for his great prowess might come in time to be chosen King, he banished him into *France*, where he lived divers yeers, & was a captain under the famous *K. Pepin*, that was Father to *Charls* the great, & hearing afterwards that *K. Britricus* was dead, he returned into *England* where *Polido* saith, *omnium consensu rex creatur*, *Polihist. ang. l. 4. in fine*, That he was created or chosen King by consent & voyce of all men, though yet he were not next propinquity of blood royall, as is most evident, and yet he proved the most excellent King that ever the Saxons had before, or perhaps after, & his election hapned in the year of Christ 802. when *K. Pepin* the first of that race reigned in *France*, so as this Monarchy of *Egbert*, and that of *Pepin* began as it were together, and both of them came to their crowns by election of the people, as here you see.

This King *Egbert* or *Egbrich* as others do write him, lea a lawfull Son behind him named *Ethelwolfe*, or *Adelwolfe*, or *Eodolph*, *an. 829.* (for all is one) who succeeded him in the kingdom, and was as worthy a man as his Father, and this *Adelwolfe* again had four lawfull Sons, who all in their turns succeeded by just and lawfull order in the crown, to wit, *Ethelbald*, *Ethelbert*, *Ethelred*, and *Alfred*, for that none of the former three had any children and all the latter three were most excellent Princes, especially *Alfred* or *Alured*, the last of all four, whose acts are wonderful, *an. 822.* and who among other his renowned Guests, drove *Rollo* that famous Captain of the Danes from the Borders of *England*, with all his company into *France* where he got the country or Province named then *Neustria*, and now *Normandy*, and was the first Duke of that Province and Nation, and from whom our *William Conqueror* came afterwards in the 6. di. cent.

This man also erected the University of *Oxford*, being very learned himselfe, builded divers good Monasteries and Churches, & dying left as famous a Son behind himself, which was *Edward* the first surnamed the senior or elder, *Anno 900.*

This King *Edward* dying left two Sons lawfully begotten of his wife *Edgina*, the one named Prince *Edmund*, & the other *Etel-ed*, and a third illegitimate whose name was *Adelstan*, whom he had by a Concubine.

But yet for that this man was esteemed to be of more valour then the other, he was preferred to the crown before the other two Princes legitimate, *an. 924* for so saith *Polido* in these words, *Adelstanus ex concubina Edwardi filius rex a populo electus salutatusque ad Kingstonum opidanum more majorum ab Archelmo cantuariensi Archiepiscopo coronatus*, *Polihist. ang.* which is *Adelstan* the Son of *K. Edward* by a Concubine was made King by the People, and was crowned according to the old custome, by *Archelme* Archbishop of *Canterbury* at the town of *Kingston*. Thus far *Polido* and *Stow* addeth further these words. His coronation was celebrated in the Market place upon a stage erected on high, that the King might better be seen of the multitude, he was a Prince of worthy memory, valiant and wise in all his acts, and brought this land into one perfect Monarchy, for he expelled ac-

terly the Danes, and quieted the Welch men; *Stow p. 136, an. 914.* Thus much *Stow* of the successe of chusing this King bastard to reign. To whose acts might be added, that he conquered Scotland, and brought *Constantine* their King to doe him homage, and restored *Lewis d'Outremer* his sisters Son to the Kingdom of France, *an. 940.*

This man dying without issue, his lawfull brother *Edmond* put back before, was admitted to the crown, who being of excellent expectation dyed after 6 years, and left two lawfull sons, but yet for that they were young, they were both put back by the Realm, & their uncle *Eldred* was preferred before them, *an. 946.* so saith *Polidor*, *Genist Edmondus ex Egilda uxore Edwinum & Edgarum, qui cum eate pueri essent, post Eldredum deinde regnarunt, Pol. l. 6.* King *Edmond* begat of his wife *Egilda* two Sons named *Edwin* and *Edgar*, who for that they were but children in years, were put back and reigned after ward after their uncle *Eldred*. The like saith *Stow*, and yeeldeth the same reason in these words.

Eldred succeeded *Edmond* his brother, for that his Sons *Edwin* and *Edgar* were thought to young, to take so great a charge upon them.

This *Eldred* though he entred as you see against the right of the Nephews, yet saith *Polidor* and *Stow*, that he had all mens good will, and was crowned, as his brother had been at Kingston by *Odo* Archbishop of Canterbury, and reigned 9 years with great good will and praise of all men.

He dyed at last without issue, and so his elder Nephew *Edwin* was admitted to the crown, but yet after 4 years he was deposed again for his lewd & vicious life, and his younger brother *Edgar* admitted in his place, in the year of Christ, 959.

This King *Edgar* that entred by deposition of his brother, was one of the rarest Princes that the world had in his time, both for peace and war, justice, piety, and valour.

Stow saith he kept a Navy of 3000. and 600 ships distributed in divers parts for defence of the Realm.

Also that he built and restored 47 Monasteries at his own charges, and did other many such acts.

He was Father to King *Edward* the Martyr, and Grandfather to *K. Edward* the confessor, though by two different wives, for by his first wife named *Egilsfred*, hee had *Edward* after martyrizd, and by his second wife *Alfred*, he had *Esbeldred* Father to *Edw.* the confessor, and to the end that *Esbeldred* might reign, his mother *Alfred* caused *K. Ed.* the son of *Egilsfred* to be slain after King *Edgar* her husband was dead.

After this so shamefull murder of *K. Edw.* many good men of the Realm were of opinion, not to admit the succession of *Esbeldred* his half brother, both in respect of the murder of *K. Ed.* his elder brother committed for his sake; as also for that he seemed a man not fit to govern, and of his opinion among others, was the holy man *Dunstan* Archbishop of Canterbury, as *Polidor* saith, *Pol. l. 7. hist. Ang.* who at length in flat words denied to conlect to him but seeing the most part of the Realm bent ou *Esbeldreds* side, he foretold them that it would repent them af-

rer, and that in this mans life the Realm should be destroyed, as indeed it was and he ran away to Normondy, and left *Sweno* and his Danes in possession of the Realm, though afterward being dead, hee returned againe, and dyed in London.

This *Etheldred* had two wives, the first *Ethelgina* an English woman, by whom he had Prince *Edward* surnamed Iron-side for his great strength and valour, who succeeded his Father in the Crown of England for a year, and at his death left two Sons, which after shall be named.

And besides this, *Etheldred* had by his first wife other two Sons, *Edwin* and *Adelstan*, and one Daughter named *Edgna*, all which were either slain by the Danes, or dyed without issue.

The second Wife of *Etheldred* was called *Emma*, sister to *Richard* Duke of Normondy, who was Grandfather to *William* the Conquerour, to wit Father to Duke *Robert*, that was Father to *William*.

So as *Emma* was great Aunt to this *William*, and shee bare unto King *Etheldred* two Sons, the first *Edward*, who was afterward named King *Edward* the Confessor, and *Alerud* who was slain trayterously by the Earl of *Kent*.

After the death also of King *Etheldred*, Queen *Emma* was married to the Dane King *Canutus* the first of that name, surnamed the Great, that was King of England after *Etheldred*, and *Edmond* Ironside his Son, and to him she bare a Sonne, named *Hardicanutus*, who reigned also in England before King *Edward* the Confessor.

Now then to come to our purpose, hee that will consider the passing of the Crown of England, from the death of *Edmond* Iron-side, elder Sonne of King *Etheldred*, untill the possession thereof gotten by *William* Duke of Normandy, to wit, for the space of 50 years, shall easily see what Authority the Common-welth hath in such Affaires, to aler Titles of Succession, according as publique necessity or utility shall require: for thus briefly the matter passed.

King *Etheldred* seeing himself to weak for *Sweno* the King of Danes, that was entred the Land, fled with his wife *Emma* and her two children, *Edward* and *Alerud* unto her brother Duke *Richard* of Normandy, and there remained untill the death of *Sweno*.

And he being dead, *Etheldred* returned into England, made a certain agreement and division of the Realme, between him and *Canutus* the Son of *Sweno*, and so dyed, leaving his eldest sonne *Edmond* Iron-side to succeed him, who soone after dying also, left the whole Realm to the said *Canutus*, and that by plain covenant as *Canutus* pretended, that the longest liver should have all.

Whereupon the said *Canutus* took the two children of King *Edmond* Iron-side, named *Edmond*, and *Edward*, and sent them over into Swethland, which at that time was also subject unto him.

And caused them to be brought up honourably, of which, two the elder named *Edmond* dyed without issue, but *Edward* was married, and had divers children.

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Edheldred and his Son Edmond being dead, Canutus the Dane was admitted for King of England by the whole Parliament, and consent of the Realm, anno 1018. and crowned by *Alerud* Archbishop of Canterbury, as *Polidor* saith, and he proved an excellent King, and went to Rome, and was allowed by that See also.

He did many works of charity, shewed himself a good Christian, and very loving and kind to Englishmen, married *Queene Emma* an English woman, and mother to King Edward the Confessor, and had by her a Son named *Hardicannus*, and so dyed, and was much mourned by the English, after he had reigned twenty years, though his entrance and title was partly by force, and partly by election, as you have heard.

After this *Canutus* the first, surnamed the Great (for that he was King joyntly both of England, Norway, and Denmark) was dead, *Polidor* saith, that all the States of the Realm met together at Oxford, to consult whom they should make King, and at last by the more part of voyces was chose, *Harald* the first Sonne of *Canutus* by a Concubine, *King Harald the Bastard*. 1038. *Polid. l. 8. Hist. Ang.*

By which election we see injury was done to the lineall succession of three parties. First, to the Sons of King Edmond Iron-side that were in Swethland. Then to the Princes Edward and Alerud, sons to King Edheldred, and brothers to Iron-side that were in Normondy, And thirdly, to *Hardicannus*, son to *Canutus*, by his lawfull wife *Emma*, to whom it was also assured at her marriage, that her issue should succeed, if she had any by *Canutus*.

After the death of this *Harald* who dyed in Oxford where he was elected, within 3 years after his election, there came from Denmark *Hardicannus* to claim the crown that his Father & Brother had possessed before him, of whose coming *Polidor* saith, *libentissimis animis accipitur communique omnium consensu rex dicitur*, anno 1041. He was received with great good will of all, and by common consent made King, & this was done by the States without any respect had of the succession of those Princes in Normondy & Swethland, who by birth were before him, as hath been shewed, & this is the second breach after lineal descent after *Edred*.

But this *Hardicannus* being dead also, upon the sudden in a certaine basket in Lambeth by London without issue, within two years after his Coronation, the States of the Realm had determined to chuse *Alerud* for their king, who was younger brother to *Edw.* & for that cause sent for him out of Normondy, as *Polid.* recounteth, & had made him K. without all doubt (for that he was esteemed more stirring & valiant then his elder brother *Edw.*) had not *E. Goodwin* of Kent fearing the youngmans stomach raised a strong faction against him, & thereupon also caused him to be trayterously murdered there, as he passed through Kent towards London, not had the State here in any respect to Antiquity of blood, for that before *Alerud* were both his own elder brother *P. Ed.* (who after him was chosen King, and before them both were *Edm.* & *Edw.* the children of their elder brother, *Edmond Iron-side*, and thus the third breach of lineal descent.

But this notwithstanding, *Alfred* being dead, *P. Edw.* was made King *causa publica latet*, *saith Polidor*, *ut certatim pro eius felici principatu, cuncti vota facerent*; that is, he was made King with such universall joy & contentment of all men, as every man contended who should pray and make most vows to God for his happy reign, and according to this was the successe, for he was a most excellent Prince and almost miraculously he reigned with great peace, & void of all war at home & abroad for the space of almost 30 years after so infinite broyles as had bene before him, & ensued after him; & yet his title by succession cannot be justified, as you see, for that his eldest brothers Son was then alive, to wit, Prince *Edw.* surnamed the outlaw, who in this Kings reign came into England & brought his wife, & three lawfull children with him, to wit, *Edgar*, *Margaret*, and *Christian*, but yet was not this good *K. Edw.* so scrupulous, as to give over his kingdom to any of them, or to doubt of the right of his own title, (which he had by election of the Common-wealth against the order of succession).

This *K. Edward* being dead without issue, *Polidor* saith that the States made a great consultation, whom they should make King, & first of all it seemeth they excluded him that was only next by propinquity in blood, which was *Edgar Aladin*, son to the said Prince *Edw.* the outlaw now departed, and Nephew to *K. Edward Ironside*, & the reason of this exclusion is alleged by *Pol.* l. 8. in these words, *is puer id aetatis nondum regno gubernando maturus erat*, that is, he being a child of so small yeers was not ripe enough to govern the kingdom, and then he saith, that *Harald* son of *Earl Godwin* by a daughter of *Cannus*, the first proclaymed himself King, *an. 1066*, & moreover he addeth, *Nondispleuit omnino id factum populo, qui plurimum spem in Harald virum habebat, itaq; more maiorum sacratus est*, which is, this fact of *Harald* displeased not at all the people of England, for that they had great hope in the vertue of this *Harald*, & so was he annointed & crowned according to the fashion of the ancient Kings of England, by which words we may see that *Harald* had also the approbation of the Realm to be King, notwithstanding that little *Edgar* was present, as hath been said; so as this was the 4. breach of succession at this time.

But in the mean space *William Duke of Normandy* pretended that he was chosen before by *K. Edw.* the Confessor, & that the Realm had given their consent thereunto, & that *K. E.* left the same testified in his last will & testament, *an. 1066*, and albeit none of our English Authors do avow the same cleerly, yet do many other forrain Writers hold it, & it seemeth very probable, that some such thing had past, both for that *D. William* had many in England that did favour his pretence at his entrance; as also (as *Girard* in his French story saith) that at his first coming to London he punished divers by name, for that they had broken their oaths and promises in that behalf, *Gir. l. 6. an. 1065*. And moreover it appeareth, that by alleging this title of election, he moved divers Princes abroad to favour him in that action as in a just quarrel, which is not like they would have done, if he had pretended only a conquest or his title of sanguinity, which could bee of no importance in the world, for that effect, seeing it was no other but that his Grandfather and King *Edwards* mother were brother and sister,

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which could give him no pretence at all to the succession of the crowne, by blood, and yet we see that divers Princes did assist him, and among others the French chronicler Girard, so often named before writeth *Chron. Cassin. l. 3. cap. 34.* that Alexander the second pope of Rome, whose holinesse was so much esteemed in those daies as one *Constantinus* after, wrote a booke of his miracles being informed by Duke William of the justnesse of his pretence, did send him his benediction and a precious ring of gold, with a hollowed banner, by which hee got the victory, thus writeth Girard in his French Chronicles, and Antonius Archbishop of Florence surnamed *Antoninus* part. 3. *chion. vit. l. 6. cap. 15. f. 1. Sainct*, writing of this matter in his chronicles speaketh great good of William conqueror & commendeth his enterprise.

But howsoever this was the victory we see he get, and God prospered his piteance, and hath confirmed his offspring in the Crowne of England more then 500 yeares together so as now accounting from the death of King Edmond I consider unto this man, we shall find (as before I have said) in lesse then 50. yeares, that 5. or 6. Kings were made in Eng and one after another, by only authority and approbation of the Common wealth contrary to the ordinary course of lineall succession by propinquity of blood.

And al this is before the conquest, but if we should passe any further down, we should find more examples then before. For first the two sonnes of the Conquerour himselfe, that succeeded after him, to wit William Rufus and Henry the first, were they not both younger brothers to Robert Duke of Normandie, to whom the most part of the realme was inclined (as Polydor saith) *Polyd. in vita Gul. Conq.* to have given the Kingdome presently after the Conquerors death, as due to him by succession, notwithstanding that William for particular displeasure against his elder sonne had ordeined the contrary in his testament. But that Robert being absent in the War of Hierusalem, the holy and learned man Lanfranke as he was accompted then Archbishop of Canterbury being deceived with vain hope of William Rufus *An. 1007*, good nature perswaded them the contrary, who was at that day of high estimation and authority in England and so might induce the realme to do what he liked.

By like meanes gat Henry his younger brother the same crown afterwards, to wit by faire promises to the people, and by help principally of Henry Newborow Earle of Warwicke, that dealt with the nobility for him; and Maurice Bishop of London with the cleergie for that Anselme Arch bishop of Canterbury was in bannishment. Besides this also it did greatly helpe his cause that his elder brother Robert, (to whom the Crowne by reigne appertained) was absent again this second time in the vvarre of Ierusalem, and so lost thereby his Kingdome as before: Henry having no other title in the world unto it but by election and admission of the people, which yet he so defended afterwards against his said brother Robert, that came to claim it by the sword, and God did so prosper him therein as he took his said elder brother prisoner, and so kept him for many yeares untill he died in prison most pitifully.

But this King Henry dying, left a daughter behind him named Mawde or Mathilde, which being married first to the Emperour Henry the first he dyed without issue, and then was three married againe the second time to Geoffry Plantagenet Earle of Anjou in France, to whom she bare a sonne named Henry, which this King Henry his grand father, caused to be declared for heire apparent to the Crowne in his daies, but yet after his disceasse for that Stephen Earle of Bollogne, borne of Adela daughter to William the Conquerour, was thought by the state of England to be more fit to governe and to defend the land (for that he was at mans age) then was Prince Henry a child, or Mawde his mother, he was admitted and Henry put backe, and this chiefly at the perswasion of Henry Bishop of Winchester brother to the said Stephen, as also by the sollicitation of the Abbot of Glassebury and others, who thought he like they might do the same, with good consciencer for the good of the realm though the event proved not so well, for that it drew all England into factions and divisions, for avoyding and ending whereof, the states some yeares after in a Parliament at Walsingford made a agreement that Stephen should be lawfull King during his life only, and that Henry and his offspring should succeed him, and that prince William King Stephens sonne should be deprived of his succession

(670)

Succession to the crowne and made only Earle of Marfholke, thus did the star dispose of the crown at that time which was in the yeare of Christ, 1153.

So his Henry succeeded by order his eldest sonne then living, named Richard, and furnished Cordelion, for his Vaour, but after him a such his succession was broken. For that John King Henries youngest sonne, as yet younger brother to Richard whom his father the King had left sonn provided as in jest he was called by the French *le sans terre* as if you would say Sir John lacke land: this man I say, was after the death of his brother admitted and crowned by the Barres of England, and Arthur Duke of Brittain, sonne and heir to Geffry that was elder brother to John was against the order of succession excluded, and albeit this Arthur did seeke to remedy the matter, by warr, yet it seemed that God did more defend this election of the common wealth, then the right title of Arthur by succession, for that Arthur was over come, and taken by King John though he had the King of Fraunce on his side, and he died pitifully in prison, or rather as most authors do hold, he was put to death by King John his uncles own hands in the castle of Roan, thereby to make the title of his succession more cleare which yet could not be, for that as well Stow in his chronicle, as also Matthew of Westminster and others before him, do write that Geffry beside this sonne left two daughters by the Lady Constance his wife, Countesse and heyr of Brittain, which by the law of England should have succeeded before John, but of this small accompt seemed to be made at that day.

Some yeares after when the Barons and States of England misliked utterly the government and proceeding of this King John, they rejected him againe and chose Lewis the Prince of France to be their King 3116 and did swear fealty to him in London, as before hath bin said and they depri'd also the young prince Henry his sonne that was at that time, but of 8 years old, but upon the death of his father King John that shortly after ensued, they recalled againe that sentence, and admitted this Henry to the Crown by the name of King Henry the third and disannulled the leagueance made unto Lewis Prince of France, and so King Henry reigned for 253 yeares afterward, the longest reign as I think that any before or after him hath had in England.

Moreover you know from this King Henry the third, how he take the first beginning the two branches at Yorke and Lincastee which after that to so great contention about the crown: Into which if we would enter, we should see plainly as before hath bene noted that the best of all their titles after their deposition of King Richard the first depended of this authority of the common wealth for that as the people were affected and the greater part prevailed before their titles either allowed confirmed altered or disannulled by Parliament, & yet may not we well affirm, but that either part when they were in possession and confirmed herein by these Parliaments were lawfull Kings and that God concurred with them as with true princes for government of the people, for if we should deny this point great inconveniences would follow, and we should shake the States of most princes in the world at this day.

And to conclude as one the one side pro inquiry of blood is great, reverence towards the wearing of any crowne so doth it not ever bind the common wealth to yield thereunto if weightier reasons should urge them to the contrary, neither is the common wealth bound alwayes to shut her eyes, and to admit at a hazard, or of necessity every one what is next by succession of blood as some false y and fondly imagine, but rather she is bound to consider well and maturely the person that is to enter whether he be like to perform his duty and charge committed or no, for that otherwise to admit him that is an enemy of the state, but to destroy the Common wealth and him together. This is my opinion and this I seeeth to me to be conform, to all reason, law religion pery, wisdom, & policy and to the use and customs of all well governed common wealthes in the world neither do I mean to prejudice any any princes pretence or succession to any crown or dignity in the world, but rather do hold that he ought to enjoy his preeminence, but yet that he be not prejudicial thereby to the whole body which ought to be respected more then any one person whatsoever.

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According to law, both civill and Canon (which is great reason) it is a matter most certaine, that he who is judge and hath to give sentence in the thing it selfe, is also to judge of the cause, for thereof he is called judge, and if he have authority in the one, good reason he should also have power to discern the other, so as, if we grant according to the forme and proofes, that the Realme or Common-wealth hath power to admit or put back the Prince or pretender to the Crowne, then must we also confess that the same Common wealth hath authority to judge of the lawfulnessse of the causes, and considering further that it is in their owne affaire, and in a matter that hath his whole beginning, continuance and subsistence from them alone, I meane from the Common wealth, for that no man is King or Prince by institution of nature, as before hath been declared, but every King and Kings son, hath his dignity and preheminance above other men, by authority onely of the Common wealth: God doth allow for a just and sufficient cause in this behalfe, the onely will and judgement of the weal publick it selfe, supposing alwayes (as in reason we may) that a whole Realme will never agree by orderly way of judgement (for of this onely I meane and not of any particular faction of private men against the heyre apparent) to exclude or put back the next heyre in blood and succession without a reasonable cause, in their sight and conscience. And seeing that they only are to be judges of this case, we are to presume that what they determine, is just and lawfull for the time, and if at one time they should determine one thing, and the contrary at another (as they did often in *England* during the contention between *York* and *Lancaster* and in other like occasions) what can a private man judge otherwise, but that they had different reasons and motions to leade them at different times, and they being properly lords and owners of the whole busines committed unto them, it is enough for every particular man to subject himselfe to, that which his Common wealth doth in this behalfe, and to obey simply without any further inquisition, except he should see that open injustice were done therein, or God manifestly offended, and the Realme endangered.

Open injustice I call when not the true Common wealth, but some faction of wicked men should offer to determine this matter, without lawfull authority of the Realme committed to them, and I call manifest offence of God, and danger of the Realme, when such a man is preferred to the Crowne, as is evident that he wil do what lyeth in him to the prejudice of them both, I mean both of Gods glory and the publick wealth: as for example, if a *Turk* or *Moor* or some other notorious wicked man, or tyrant should be offered by succession or otherwise to governe among Christians, in which cases every man (no doubt) is bound to resist what hee can, for that the very end and intent for which all government was first ordeined, is herein manifestly impugned.

From this consideration, of the weal publick, are to be reduced all other considerations of most importance, for discerning a good or evill Prince. For that whosoever is most likely to defend, preserve, and benefit most his Realme and subjects, he is most to be allowed and desired, as most conforme to the

end for which government was ordained.

And on the contrary side, he that is least like to do this, deserveth least to be preferred, and here doth enter also that consideration, which divers common wealths had in putting back oftentimes children and impotent people (though otherwise next in blood) from succession, and preferring more able men though further off by descent, for that they were more like to defend well their Realme and Subjects than the others were.

But to proceed more distinctly and more perspicuously in this matter, I would have you call to minde one point among others, out of *Girard* the French author, *Girard lib. 3. de l' Estat. pag. 242.* to wit, that the King of France in his Coronation is new apparalled three times in one day, once as a Priest, and then as a judge, and last as a King armed. Thereby to signifie three things committed to his charge, first Religion, then Justice, then manhood and chivalry, for the defence of the Realme.

This division seemeth to me very good and fit, and to comprehend all that a weal-publick hath need of, for her happy state and felicity, both in soule and body, and for her end, both supernaturall and naturall. For by the first which is Religion, her Subjects do attaine unto their end spirituall and supernaturall, which is the salvation of their soules, and by the second and third, which are justice and defence, they enjoy their felicity temporall, which is to live in peace among themselves, and safety from their enemies, for which cause it seemeth that these are the three points which most are to be regarded in every Prince, that commeth to government, and much more in him that is not yet admitted thereunto, but offereth himselfe to the Common wealth for the same purpose.

And for that the latter two of these three points, which are justice and manhood, hath been often had in consideration, in the examples of changes before mentioned, and the first point which is Religion, hath rarely or never at all been talked of, for that in former times the Prince and the people were alwayes of one and the same Religion, and scarce ever any question or doubt fell in that behalfe (which yet in our dayes is the principall difference and chiefest difficulty of all other) for these causes (*May*) shall I accommodate my selfe to the circumstance of the time, wherein wee live, and to the present case which is in question betwixt us about the succession of *England*, and leaving aside those other two considerations of justice and chivalry in a King, which are far lesse important then the other (though yet so highly regarded by ancient Common wealths) I shall treat principally of Religion, in this place, as of the first and highest, and most necessary point of all other, to be considered in the admission of any Prince, for the profit of his Subjects: for that without this, he destroyeth all, and with this, albeit he should have defects in the other two points of justice and manhood, yet may it be holpen, or his defect or negligence may be supplied much by others, as after I shall shew more in particular, but if he want feare of God, or care of Religion, or be perversly perswaded therein, the damage of the weale publique is inestimable. First of all then, for better understanding of this point, we are to suppose,

suppose, that the first chiefest, and highest end that God and nature appointed to every Common-wealth, was not so much the temporall felicity of the body, as the supernaturall and everlasting of the soule, and this was not only revealed to the Jewes by holy scripture, but also unto the Gentiles and Heathens by the instinct and light of nature it selfe. For by this light of naturall reason, the learned sort of them came to understand the immortality of the soule, and that her felicity, perfection, and full contentment, which they called her finall end, and *summum bonum*, could not be in this life, nor in any thing created under heaven, but must needs be in the life to come, and that by attaining to enjoy some infinite endlesse and immortall object, which could fully satisfie the appetite of our soule, and this could be no other then God, the maker of all himselfe. And that consequently all other things of this transitory life, and of this humane Common-wealth, subject to mans eyes, are ordained to serve and be subordinate and directed to the other higher end, and that all mans actions in this world, are first of all, and in the highest degree, to be imployed to the recognising, serving, and honoring of this great Lord that governeth the whole, as author and end of all.

To this light I say, came the Heathens even by the instinct and direction of nature, whereof ensued that there was never yet Pagan Philosopher that wrot of framing a good common-wealth as *Socrates*, *Plato*, *Plutarch*, *Cicero*, and others, neither Lawmaker among them that left Ordinances for the same purpose, as *Deucalion*, *Minos*, *Zaleucus*, *Lisurgus*, *Solon*, *Ion*, *Numa*, or the like, which besides the temporall end of directing things well for the body, had not especiall care also of matters appertaining to the minde, to wit, of nourishing, honoring, and rewarding of vertue, and for restraining and punishing of vice, and wickednesse, whereby is evident that their end and butt was to make their Citizens good and vertuous, which was a higher end, then to have a bare consideration of temporall and bodily benefits only, as many great men of our daies (though Christians in name) seeme to have, who pretend no higher end in their Government then bodily wealth, and a certaine temporall kind of peace and justice, which divers beasts also do reach unto, in their congregations and Common-wealths, as is to be seene among Emiers, and Bees, Cranes, Lyons, and other such creatures, that by instinct of nature are sociable, and do live in company, and consequently also doe maintaine so much order and policy in their Common-wealth, as is needfull for their preservation and continuance.

But nature taught man a far higher and more excellent end in his Common-wealth, which was not only to provide for those bodily benefits that are common also to creatures without reason; but much more for those of the minde, and above all for the serving of that high and supreme God, that is the beginning and end of all the rest. For whose service also they learned by the same instinct and institution of nature, that the chiefest and supremest honour that could be done unto him in this life by man, was the honour of sacrifice and oblations, which we see was begun and practised even in those first beginnings of the law of nature, before the Leviticall law, and the particular

formes of this same law, were prescribed by *Moses*. For so we read in Genesis of *Noah*, Gen. 8. that he made an Altar, and offered sacrifices to God upon the same, of all the beasts and birds that he had in the Ark, *odoratusque est Dominus odorem suavitatis*, and God received the smell of these sacrifices, as a sweet smell. Which is to say, that God was highly pleased therewith: and the like we read of *Job* that was a Gentile, and lived before *Moses*, Job 1. *Sanctificabat filios consurgensque diluculo offerebat holocausta per dies singulos*. He did sanctifie his children, and rising early in the morning did offer for them holocaustes or burnt sacrifices every day.

This men used in those dayes, and this they were taught by law of nature, I meane both to honour God above all things, and to honour him by this particular way of sacrifices, which is proved also evidently by that which at this day is found and seene in the Indians, where never any notice of *Moses* law came, and yet no Nation hath ever been found among them, that acknowledgeth not some kinde of God, and offereth not some kinde of sacrifice unto him.

And albeit in the particular meanes of honouring this God, as also in distinguishing between false gods, and the true God; these people of the Indians have fallen into most grosse and infinite errors, as also the Gentiles of Europe, Asia, and Africa did, by the craft and subtlety of the Divell, which abusing their ignorance, did thrust himselfe into the place of God, and derived and drew those sacrifices and supream honours unto himselfe, which were due to God alone; yet is it evident heereby (and this is sufficient for our purpose) that by God and nature, the highest and chiefest end of every common-wealth, is *Cultus Dei*, the service of God, and religion, and consequently that the principall care and charge of a Prince, and Magistrate even by nature it selfe, is, to looke thereunto, whereof all antiquity both among Jewes and Gentiles, were wont to have so great regard, as for many yeeres and ages their Kings and chiefe Magistrates were also Priests: *Genebrard. l. 1. Chronol. de 1. atate Genes. 25. & 29. Deut. 21. 2 Paral. 21.* and divers learned men doe hold, that the priviledge and preheminence of *primo genitura*, or the first borne children, so much esteemed in the law of nature, consisted principally in this, that the eldest sons were Priests, and had the charge and dignity of this greatest action of all other upon earth, which some temporall Magistrates so little regard now.

And this respect and reverence towards religion was so greatly planted in the breasts of all Nations by nature her selfe, as *Cicero* pronouned, this generall sentence in his time. *Ciceroli. 1. quest. tusc. & de natura deorum lib. 1. Nulla est gens tam fera, nulla tam immanis, cujus mentem non imbuerit deorum colendorum religio*. There is no Nation so fierce or barbarous, whose mindes are not indued with some religion of worshipping God.

And *Plutarch* writing against a certaine Atheist of his time, saith thus: If you travel far Countreys, you may chance to find some Cities without learning, without Kings, without riches, without money, but a City without Temples, and without Gods and sacrifices, no man yet hath ever seene. *Plutarch adversus Colotem.*

And

-And finally *Aristotle* in his politiques having numbred diverse things necessary to a Common-wealth; addeth these words. *Quintum & primum. Circa reus divinam cultus, quod Sacerdotium sacrificiumque vocant. Aristo. l. 7. politi. c. 8.* In the fift place (which indeed ought to be the first of all other) is necessary to a Common-wealth, the honour and service due unto God, which men commonly doe comprehend by the words of Priest-hood and sacrifice.

All this I have alleaged to confute even by the principles of nature herself, the absurd opinions of divers Atheists of our time, that will seeme to be great Politicks, who affirme that Religion ought not to be so greatly respected in a Prince, or by the Parliament, as though it were their chiefest care, or the matter of most importance in his government, which you see how false and impious it is, even among the Gentiles themselves; but much more among Christians, who have so much the greater obligation to take to heart this matter of Religion, by how much greater light and knowledge they have of God, and therefore wee see that in all the Princes oathes which before you have heard recited to be made and taken by them at their admission and coronation, the first and principall point of all other, is about Religion and maintainance thereof, and according to his oath also of supream Princes, not only to defend and maintaine Religion by themselves in all their States; but also their Livetenants and under governours; wee have in our Civill Law a very solempne forme of an oath which *Justinian* the Emperour, above a thousand and fifty yeeres agoe, was wont to give to all his Governours of Countries, Cities, and other places, before they could be admitted to their charges, and for that it is very effectuell, and that you may see thereby what care there was of this matter at that time; and what manner of solempne and religious protestations, as also imprecations they did use therein, it shall not be amisse perhaps to repeate the same in his owne words, which are these following,

The title in the Civill Law is, *juramentum quod Prestatur, iis qui administrationes accipiunt*, the oath which is given to them that receive governments, and then the Oath beginneth thus.

Collat. 2. Novella constit Justin. 8. tit. 3. Juro per Deum omnipotentem & filium ejus unigenitum Dominum nostrum Iesum Christum & Spiritum sanctum, & per sanctam gloriosam Dei genitricem & semper Virginem Mariam, & per quatuor Evangelia quae in manibus meis teneo, & per sanctos Archangelos Michaelem & Gabrielem, puram conscientiam germanumque servitium me servaturum sacratissimis nostris Dominis Justiniano & Theodosia conjugii ejus, occasione tradita mihi ab eorum pietate administrationis. Et quod communicator sum sanctissima Dei Catholica & Apostolica Ecclesia, & nullo modo vel tempore adversabor et, nec alium quocumque, permittam quantum possibilitatem habeam, & si vero non has omnia servavero, recipiam omnia incommoda hic & in futuro seculo in terribili judicio magni Domini Dei & salvatoris nostri Iesu Christi, & habebam partem cum Iuda & cum lepra Giezi, & cum tremore Cain, insuper & pena qua lege eorum pietatis continentur ero subiectus. Which in English is thus; I do sweare by Almighty God, and by his holy Son our Lord Iesus Christ, and by the holy Ghost; that I will keepe a

pure conscience, & perform true service unto the sacred persons of our Lords & Princess Justinian and Theodosia his wife, in all occasions of this government, by their benignity committed unto me. Moreover I do sweare that I am communicant and member of the most holy Catholique and Apostolique Church of God, and that I shall never at any time hereafter be contrary to the same, nor suffer any other to be, as much as shall lie in my possibility to let. And if I should breake this oath or not observe any point thereof, I am content to receive any punishment both in this world, as also in the world to come, in that last and most terrible judgement of our great Lord and Saviour Jesus Christ, and to have my part with Judas, as also with the leprosie of Giezi, and with the feare and trembling of damned Cain; and besides all this I shall be subject to all punishments that are ordained in the Lawes of their Majesties, concerning this affaire.

This oath did all the Governours of Christian Countries take in old time, when Christian Emperors did flourish, and it hath remained for a Law and president ever since to all Posterity.

And if we joyne this with the other oathes before set downe in the fifth chapter, which Emperors and Kings did make themselves (unto their Ecclesiasticall Prelates, at their first admission) about this point; we should see nothing was so much respected in admission of a Prince or Governor (nor ought to be) as religion, for that (as I have said before) this is the chiefest, greatest and highest end of every Common-wealth, intended both by God and nature, to assist their Subjects to the attaining of their supernaturall end, by honoring and serving God in this life, and by living vertuously; for that otherwise God should draw no other fruit or commodity out of humane Common-wealths, then of an Assembly of brutish creatures, maintained only and governed for to eate, drinke, and live in peace.

But the end of man being far higher then this; it followeth that whatsoever Prince or Magistrate doth not attend with care to assist and helpe his subjects to this end, omitteth the first and principall part of his charge, and committeth high Treason against his Lord and Master, in whose place he is, and consequently is not fit for that charge and dignity, though he should perform the other two parts never so well of temporall justice and valour in his person, which two other points do appertaine principally to the humane felicity and baser end of mans weale publick, and much more of a Christian.

Hereof it insueth also that nothing in the world can so justly exclude an Heire apparent from his succession, as want of Religion, nor any cause whatsoever justifie and cleare the conscience of the Common-wealth, or of particular men, that in this case should resist his entrance, as if they judge him faulty in this point, which is the head of all the rest, and for which all the rest doe serve.

I compare an heyre apparant unto a spouse, betrothed only and not yet married, to the Common wealth. Which espousall or betrothing, according to all law both divine and humane, may be broken and made voyd much easier and upon far lesser causes then an actuall perfect marrying may, of which our Saviour himselfe said, *Matth. 19. Quos Deus conjunxit homo non separat. Mar.*

10. whom God hath joyned let no man separate, and yet *S. Paul* to the *Corinthians* determineth plainly, *1. Cor. 7.* that if two gentiles married together in their gentility (which none denyeth to be true marriage for so much as concerneth the civill contract) and afterward the one of them being made a Christian, the other will not live with him or her, or if he do, yet notwithstanding of God and tempting him to sin: in this case (I say) the Apostle teacheth, and out of him the Canon law setteth it downe for a decree, *Lib. 4. decret. Greg. tit. 19. c. 7.* That this is sufficient to breake and dissolve utterly this heathen marriage, although consummate between these two parties, and that the Christian may marry againe, and this onely for the want of Religion in the other party, which being so in actuall marriage already made and consummate, how much more may it serve to undoe a bare bethrothing, which is the case of a pretender onely to a Crowne.

But you may say perhaps, that *St. Paul* speaketh of an Infidel or Heathen, that denyeth Christ plainly, and with whom the other party cannot live, without danger of sin and losing his faith, which is not the case of a Christian Prince though he be somewhat different from me in Religion, to which is answered, that supposing there is but one only Religion that can be true among Christians, as both reason and *Athanasius* his Creed, doth plainly teach us: and moreover seeing, that to me there can be no other faith or Religion available for my salvation then only that which I my selfe do beleeve, for that my owne conscience must testifie for me, or against me: *Act. 23. 1. Cor. 8. 2. Cor. 5. 1. Pet. 3.* certaine it is, that unto me and my conscience he which in any point beleeveth otherwise then I doe, and standeth wilfully in the same, is an Infidell, for that he beleeveth not that which in my faith and conscience, is the onely and sole truth, whereby he must be saved. *Mat. 18.* And if our Saviour Christ himselfe in his Gospel, doth will certaine men to be held for heathens, not so much for difference in faith and religion, as for lack of humility & obedience to the Church. how much more may I hold him so that in my opinion is an enemy to the truth, and consequently so long as I have this opinion of him, albeit his Religion were never so true, yet so long (I say) as I have this contrary perswasion of him, I shall doe against my conscience and sin damnably in the sight of God, to prefer him to a charge where he may draw many other to his owne error and perdition, wherein I doe perswade my selfe that he remaineth?

This doctrine (which is common among all Divines *Rom. 14*) is founded upon that discourse of *S. Paul* to the *Romans* and *Corinthians*, *1. Cor. 1. & 10.* against such Christians as being invited to the banquets and tables of Gentils and finding meats offered to Idols (which themselves doe judge to be unlawfull to eate) did yet eate the same, both to the scandall of other infirme men there present, as also against their owne judgement and conscience, which the Apostle saith, was a damnable sin, and this not for that the thing in it selfe was evill or unlawfull, as he sheweth, but for that they did judge it so, and yet did the contrary, *Qui discernit si manducaverit damnatus est*, saith the Apostle. He that discerneth or maketh a difference between this meat and others,

as Judging this to be unlawfull and yet eateth the same, he is damned, that is P573a
 to say, he sinneth damnablely or mortally. Whereof the same Apostle yeeldeth
 presently his reason, *Quia non ex fide*, for that he eateth not according to his
 faith or beleefe, but rather contrary, for that he beleeveth it to be cruell and un-
 lawfull, doth notwithstanding eate the same: and hereupon S. Paul inferreth this
 universall proposition, *Omne autem quod non est ex fide peccatum est*, all that is not
 of faith or according to a mans owne beleefe, is sin to him, for that it is against his
 owne conscience, judgement and beleefe, beleiving one thing, and doing another,
S. Chrysost. hom. 36. in hanc epistolam. Orig. l. 10. Theodor. in hunc locum. And see-
 ing our owne conscience must be our witnes at the last day, to condemne or deli-
 ver us, as before I have said, he must needs sin grievously (or damnably as the Apo-
 stle here saith) who committeth any thing against his owne conscience, though
 otherwise the thing were not onely indifferent, but very good also in it selfe, for
 that of the doers part there wanteth no malice or will to sin, seeing he doth that
 which he apprehendeth to be naught, though in it selfe it be not.

And thus much now for matter of conscience: but if wee consider reason of
 State also, and worldly pollicy, it cannot be but great folly and oversight for a
 man of what Religion soever he be, to promote to a kingdome in which himselfe
 must live, one of a contrary Religion to himselfe; for let the bargains and agree-
 ments be what they will, and faire promises and vaine hopes never so great, yet
 seeing the Prince once made and settled, must needs proceed according to the prin-
 ciples of his owne Religion, it followeth also that he must come quickly to break
 with the other party, though before he loved him never so well, (which yet per-
 haps is very hard if not impossible for two of different religions to love sincerely)
 but if it were so, yet so many jealousies, suspitions, accusations, calumniationes &
 other aversions must needs light upon the party that is of different Religion from
 the State and Prince, under whom he liveth, as not onely he cannot be capable of
 such preferments, honours, charges, governments, and the like, which men may
 deserve and desire in their Common wealths, but also he shall bee in continuall
 danger and subject to a thousand molestations and injuries, which are incident to
 the condition and state of him, that is not currant with the course of his Prince
 and Realme in matters of Religion, and so before he beware, he cometh to be
 accounted an enemy or backward man, which to remedy he must either dissemble
 deeply, and against his owne conscience make shew to favour and set forward
 that which in his heart he doth detest (which is the greatest calamity and misery
 of all other, though yet many times not sufficient to deliver him from suspicion)
 or else to avoid this everlasting perdition, he must breake with all the temporall
 commodities of this life, and leave the benefits which his Countrey and Realme
 might yeeld him, and this is the ordinary end of all such men, how soft and sweet
 soever the beginnings be.

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F I N I S.